

1960

c 249 Municipal Act

Ontario

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CHAPTER 249

The Municipal Act

1. In this Act,

Interpre-
tation

- (a) "arbitration" means an arbitration under this Act;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over or across which a highway passes;
- (c) "city", "town", "village", "township" and "county" respectively mean a city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of this Act; R.S.O. 1950, c. 243, s. 1, cls. (a-c).
- (d) "debt" includes obligation for the payment of money; 1959, c. 62, s. 1, *part*.
- (e) "Department" means the Department of Municipal Affairs;
- (f) "electors", when applied to a municipal election, means the persons entitled to vote at a municipal election; when applied to voting on a money by-law, means the persons entitled to vote on the by-law; and when applied to voting on any other by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors;
- (g) "highway" means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes;
- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water;
- (i) "local municipality" means a city, town, village and township;
- (j) "member", referring to a member of a council, includes the head of the council and a member of a board of control; R.S.O. 1950, c. 243, s. 1, cls. (d-i).

- (*k*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money other than a by-law passed under section 329; R.S.O. 1950, c. 243, s. 1, cl. (*j*); 1952, c. 63, s. 1.
- (*l*) "Municipal Board" means the Ontario Municipal Board;
- (*m*) "municipal electors" means the persons entitled to vote at a municipal election;
- (*n*) "municipality" means a locality the inhabitants of which are incorporated;
- (*o*) "population" means the population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor whichever is the latest, or by such means as the Municipal Board may direct;
- (*p*) "prescribed" means prescribed by or under the authority of this Act;
- (*q*) "published" means published in a newspaper in the municipality to which what is published relates, or which it affects, or, if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" has a corresponding meaning;
- (*r*) "separated town" means a town separated for municipal purposes from the county in which it is situate; R.S.O. 1950, c. 243, s. 1, cls. (*k-q*).
- (*s*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes; 1959, c. 62, s. 1, *part*.
- (*t*) "Supreme Court" means the Supreme Court of Ontario;
- (*u*) "township" includes a union of townships and a municipality composed of two or more townships;
- (*v*) "two-thirds vote" means the affirmative vote of two-thirds of the members of a council present at a meeting thereof;
- (*w*) "unorganized territory" means that part of Ontario without county organization;
- (*x*) "urban municipality" means a city, town and village. R.S.O. 1950, c. 243, s. 1, cls. (*r-v*).

2.—(1) Where under this Act evidence is taken orally before a special examiner or a judge, he may direct that the evidence be taken in shorthand by a stenographic reporter. Evidence may be taken in shorthand

(2) The fees of the stenographic reporter including those for the transcribing of his notes shall be paid by the party on whose behalf the evidence is taken, and shall form part of the costs of the proceedings in which the evidence is taken. R.S.O. 1950, c. 243, s. 2. Fees of reporter, how paid

3. Where registration in a registry office is prescribed or provided for by this Act, it means, where *The Land Titles Act* is applicable, registration in the office of the master or local master of titles of the locality in which the land is situate. R.S.O. 1950, c. 243, s. 3. Registration in office of land titles R.S.O. 1960, c. 20-1

4. A person in the actual occupation of land, When occupant deemed to be owner
- (a) under an agreement with the owner for the purchase of it; or
 - (b) sold by the Director in accordance with the *Veterans' Land Act* (Canada), R.S.C. 1952, c. 280

shall be deemed to be the owner, and the unpaid purchase money or balance, as the case may be, shall be deemed to be an encumbrance on the land. 1953, c. 70, s. 1.

5. Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise expressly provided, it includes the power to acquire by purchase or otherwise and to enter on and expropriate. R.S.O. 1950, c. 243, s. 5. Power to acquire includes expropriation

6. Except where otherwise expressly provided, this Act does not affect the provisions of any special Act relating to a particular municipality. R.S.O. 1950, c. 243, s. 6. Special Acts not affected

7. The inhabitants of every county, city, town, village and township are a body corporate for the purposes of this Act. R.S.O. 1950, c. 243, s. 7. Inhabitants of municipalities to be bodies corporate

8. The name of the body corporate is "*The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)] of.....*" (naming the municipality)". R.S.O. 1950, c. 243, s. 8. Names of municipal corporations

9. The powers of a municipal corporation shall be exercised by its council. R.S.O. 1950, c. 243, s. 9. Council to exercise corporate powers

PART 1

FORMATION, ERECTION, ALTERATION OF
BOUNDARIES, AND DISSOLUTION OF
MUNICIPALITIES, ETC.

INCORPORATIONS AND ERECTIONS

Interpre-
tation

10.—(1) In this section, “inhabitant” means a permanent resident or a temporary resident having a permanent dwelling within the locality. 1959, c. 62, s. 2.

Improve-
ment
districts

(2) The Municipal Board, upon the application of the Department or of not less than thirty inhabitants of a locality having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district.

Townships

(3) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 1,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a township or union of townships.

Villages

(4) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 500, may incorporate the inhabitants of the locality or a larger or smaller locality as a village.

Idem

(5) The Municipal Board, upon the application of the trustees of a police village, may incorporate the inhabitants of the locality comprising the police village as a village.

Towns

(6) The Municipal Board, upon the application of not less than seventy-five inhabitants of a locality having a population of not less than 2,000, may incorporate the inhabitants of the locality or a larger or smaller locality as a town.

Locality
interpreted

(7) An application may be made under subsection 2, 3, 4 or 6 with respect to a locality that includes, but is not composed of, a police village or part thereof, but no such application may be made with respect to a locality that includes an urban municipality or any part thereof.

Qualifica-
tions of
applicants

(8) No person is qualified to be an applicant under this section unless he is a British subject of the full age of twenty-one years.

Public
hearing

(9) The Municipal Board, before making an order under this section, shall hold a public hearing in or adjacent to the locality affected, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the

merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. 1954, c. 56, s. 1, *part.*

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village. Erection of improvement district, as village

(2) Upon the application of an improvement district having a population of not less than 1,000, the Municipal Board may erect the improvement district into a township. as township

(3) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town. as town

(4) Upon the application of a village having a population of not less than 2,000, the Municipal Board may erect the village into a town. Erection of village into town

(5) Upon the application,

(a) of a village or town having a population of not less than 15,000; or Erection of village, town or township into city

(b) of a township having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct. Application to be authorized by by-law

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality adjoining the applicant municipality and, where the Municipal Board deems it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it and, where the locality to be annexed forms part of another municipality or municipalities, detach it therefrom. Enlargement of area of city or town to be erected

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation. Idem

No allow-
ance for
court house
or jail

(9) Where a village, town or township is erected into a city, the city is not entitled in the adjustment of assets and liabilities to any allowance in respect of its interest in the court house or jail of the county. 1954, c. 56, s. 1, *part*.

Name,
boundaries,
etc.

12.—(1) Where a municipality is incorporated or erected, the order of the Municipal Board shall direct the name that the municipality shall bear, its boundaries, and the date when the incorporation or erection shall take effect, and may provide for any matters that the Board may deem necessary for the establishment and carrying on of the municipality.

County

(2) Where an improvement district, village, town or township is incorporated out of parts of two or more counties, it shall be annexed to and form part of that one of the counties which the Municipal Board directs. 1954, c. 56, s. 1, *part*.

Additional
powers of
Board

(3) Without restricting the generality of subsection 1, the Municipal Board, by any order made upon an application for incorporation or erection or by any subsequent order or orders, may exercise all the powers conferred on it in the case of an amalgamation or annexation by subsections 7, 10, 12 and 14 of section 14, the provisions of which subsections apply *mutatis mutandis*. 1954, c. 56, s. 1, *part*; 1955, c. 48, s. 1; 1956, c. 50, s. 1.

Order of
Board
conclusive

(4) The order of the Municipal Board incorporating or erecting a local municipality is conclusive evidence that all conditions precedent to the making of the order have been complied with and that the local municipality has been duly incorporated or erected in accordance with this Act. 1954, c. 56, s. 1, *part*.

WARDS

Wards

13.—(1) Where a municipality is incorporated or erected, the Municipal Board shall divide a city and may divide any other municipality into not less than three wards each having a population of not less than 500, and shall designate the name or number each ward shall bear. 1954, c. 56, s. 1, *part*; 1958, c. 64, s. 1.

Idem

(2) Upon the application of the council of a local municipality for the division or a new division of the municipality into wards, the Municipal Board, notwithstanding any general or special Act, may divide or redivide the municipality into wards in the manner provided in subsection 1 and shall declare the date when the division or redivision shall take effect. 1954, c. 56, s. 1, *part*.

Idem

(3) Where a municipality is divided or redivided into wards under this section, the Municipal Board, notwithstanding any

general or special Act, may make all such provisions for the composition of any local board as defined in *The Department of Municipal Affairs Act* and for the number of members to be elected to any such local board from each ward as the Municipal Board may deem necessary. 1955, c. 48, s. 2.

R.S.O. 1960,
c. 98

ALTERATION OF BOUNDARIES

14.—(1) In this section, "local board" means a local board as defined in *The Department of Municipal Affairs Act*.

Interpre-
tation

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister of Municipal Affairs authorized by the Lieutenant Governor in Council, or in respect of clause *d* upon the application of at least twenty-five inhabitants, being British subjects of the full age of twenty-one years, the Municipal Board may by order on such terms as it may deem expedient,

Amalgama-
tions and
annexations

- (a) amalgamate the municipality with any other municipality or municipalities;
- (b) annex the whole or any part or parts of the municipality to any other municipality or municipalities;
- (c) annex the whole or any part or parts of any other municipality or municipalities to the municipality;
or
- (d) annex any locality that does not form part of any municipality to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, or locality not forming part of a municipality, in which the area or areas is or are located, is or are specified in the application.

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection 2, may require that the by-law of the council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws.

Assent of
electors

(4) The Municipal Board, before making any order under subsection 2, shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Public
hearing to
be held
by Board

Effect of
official
plan
R.S.O. 1960,
c. 296

(5) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved under *The Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development before the 1st day of April, 1960, or to the Minister of Municipal Affairs on or after that date and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

City or
town may
be erected

(6) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population, it may by such order be erected by the Municipal Board into a city or town bearing such name as the Board may direct.

Division
into
wards

(7) The Municipal Board may order a division or re-division of a municipality into wards if, in the opinion of the Board, the annexation or amalgamation renders such division or redivision necessary or desirable. 1954, c. 56, s. 1, *part*.

By-law
to be
submitted
on petition

(8) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of the city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall, within four weeks after the presentation of the petition or within such longer period as the Municipal Board may fix, submit to the electors of the city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if the by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 2. 1954, c. 56, s. 1, *part*; 1958, c. 64, s. 2.

Interpre-
tation

(9) In subsection 8, "electors" means electors who are entitled to vote on money by-laws.

Further
powers of
Municipal
Board

(10) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders,

- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board may deem equitable;

- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the rate-payers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 52 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby; R.S.O. 1960,
c. 274
- (e) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (f) subject to section 20, require the transfer of real property from either municipality or a local board thereof to the other municipality or a local board thereof, and take any such transfer into consideration in the adjustment of assets and liabilities;
- (g) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first voters' lists and assessment rolls, the fixing of days for first meetings of councils and local boards, and for such other matters as it may deem necessary to provide

for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;

R.S.O. 1960.
c. 337

- (h) where the holder of an operating licence under *The Public Vehicles Act* is adversely affected by the annexation or amalgamation,
- (i) authorize the municipality or municipalities to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or
 - (ii) direct what compensation, if any, shall be paid by the municipality or municipalities to the holder of the licence in respect of such adverse effect; 1954, c. 56, s. 1, *part*.
- (i) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to such municipality by the annexing municipality, to relieve such municipality from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and approved by the Board or, failing agreement, as the Board may deem equitable;
- (j) where by reason of any annexation or amalgamation order made under this section a county will be deprived of not less than 15 per cent of its equalized assessment, authorize and direct the payment to such county by the annexing or amalgamated municipality, to relieve such county from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation or amalgamation in such amounts and manner as may be agreed upon between the county and the annexing or amalgamated municipality and approved by the Board or, failing agreement, as the Board may deem equitable;
- (k) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order; 1954, c. 57, s. 1 (1).

- (i) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation. 1955, c. 48, s. 3.

(11) Where compensating grants are to be determined by the Municipal Board under clause *i* or *j* of subsection 10, the determination shall not be made until after one complete fiscal year of the municipalities has elapsed following the date of the annexation or amalgamation. 1957, c. 76, s. 1 (1).

Determina-
tion of
compensa-
ting grants
by Board

(12) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it may deem necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

Municipal
Board may
make rules,
etc.

(13) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when the municipality is in default in payment of any interest or principal in respect of its debentures.

No order if
municipality
in default

(14) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding any other provision in this Act or any other special or general Act and, in the event of any conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail. 1954, c. 56, s. 1, *part*.

Provisions
of this
section to
prevail

(15) Section 94 of *The Ontario Municipal Board Act* does not apply to a decision of the Municipal Board providing for an annexation or amalgamation and such decision,

Decision
granting
annexation
or amal-
gamation
R.S.O. 1960,
c.274

- (a) shall be in writing;
- (b) shall identify the area to be annexed or amalgamated; and
- (c) shall fix the date when the annexation or amalgamation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality,

including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of
objection

(16) No order shall be made under subsection 2 until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection 15 and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

(17) For the purposes of subsection 16, the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote on money by-laws who are resident in,

- (a) the municipality that has applied for the order; or
- (b) the area that by the decision is to be annexed to or amalgamated with the applicant municipality,

and includes, where there are no persons qualified to vote on money by-laws who are resident in the area to be annexed, an objection in writing, giving reasons therefor, authorized by by-law of the council of the municipality in which such area is situated. 1954, c. 57, s. 1 (2), *part*.

Withdrawal
of objection

(18) An objection filed under subsection 16 may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection 19, of a notice in writing of such withdrawal signed by one-third or more of the objectors provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection 17, or, where the objection was authorized by the council of a municipality, of a certified copy of a by-law repealing the authorizing by-law. 1954, c. 57, s. 1 (2), *part*; 1957, c. 76, s. 1 (2).

Powers of
Lieutenant
Governor in
Council

(19) Where an objection is filed in accordance with subsections 16 and 17 and is not withdrawn, the Lieutenant Governor in Council may by order,

- (a) confirm the decision of the Municipal Board; or
- (b) require the Municipal Board to hold a new public hearing of the annexation or amalgamation application before such members of the Board as the Lieutenant Governor in Council may designate.

Finality
of decision

(20) The decision of the Municipal Board,

- (a) where no objection is filed in accordance with subsections 16 and 17 or where the objections thereto are withdrawn in accordance with subsection 18; or

(b) when confirmed by the Lieutenant Governor in Council; or

(c) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection 2.

(21) Nothing in this section affects the application of section 95 of *The Ontario Municipal Board Act*. Application of R.S.O. 1960, c. 274, s. 95

(22) Where part of a local municipality becomes part of a local municipality in another county, it thereafter forms part of that county except for the purpose of representation in the Assembly. 1954, c. 57, s. 1 (2), *part*. Adding territory to municipality in another county

15.—(1) Upon the application of a municipality to alter, enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality or to divide any such area or areas into new areas, the Municipal Board may, on such terms as it deems expedient, by order make such alteration, enlargement, reduction, division, dissolution or amalgamation. 1957, c. 76, s. 2. Alteration of areas

(2) Unless under all the circumstances affecting the matter the Municipal Board deems unnecessary and by order dispenses with a public hearing, the Board shall, before making an order under this section, hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. 1954, c. 56, s. 1, *part*. Public hearing

(3) The provisions of section 14, except subsections 4 and 15 to 21, apply *mutatis mutandis* to an application under this section. 1954, c. 56, s. 1, *part*; 1954, c. 57, s. 2. Application of s. 14

16.—(1) A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. Union of townships

(2) The Lieutenant Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township in the county into a union of townships. Annexation of townships in unorganized territory to county

Separation
of township
from union

(3) Upon the application of a union of townships, authorized by by-law of the council thereof, or upon the application of at least seventy-five inhabitants of one of the townships included in a union of townships, the Municipal Board may by order on such terms as it may deem expedient separate the township in respect of which the application is made from the union of townships and,

(a) incorporate the inhabitants of the separated township as a new township; or

(b) erect the township with an adjoining township into a union of townships.

Names,
boundaries,
etc.

(4) Where a township is separated from a union of townships, the order of the Municipal Board shall direct the name that the remainder of the union shall bear, the name that the new township or union shall bear, the boundaries of the municipalities, and the date when the order shall take effect, and may provide for any matters that the Board deems necessary for the establishment and carrying on of the municipalities. 1954, c. 56, s. 1, *part*.

Application
of s. 14

(5) The provisions of section 14, except subsections 15 to 21, apply *mutatis mutandis* to an application under subsection 3. 1954, c. 56, s. 1, *part*; 1954, c. 57, s. 3.

MATTERS CONSEQUENT ON INCORPORATIONS, ERECTIONS, ALTERATIONS OF BOUNDARIES, ETC.

By-laws to
remain in
force on
incorpora-
tions, etc.

17.—(1) The incorporation of a locality as an improvement district, township, village or town, or the erection of an improvement district into a village, township or town, or the erection of a village into a town, or the erection of a village, town or township into a city, or the separation of a township from a union of townships, does not affect the by-laws then in force in the locality or municipality, and they remain in force in the locality or municipality until repealed by the council of the newly incorporated or erected municipality.

Idem

(2) The amalgamation of two or more municipalities does not affect the by-laws then in force in each of the former municipalities and they remain in force in each former municipality until repealed by the council of the new municipality.

Proviso

(3) Nothing in this section authorizes the amendment or repeal of a by-law that the council by which it was passed could not lawfully amend or repeal. 1954, c. 56, s. 1, *part*.

By-laws in
force in
annexed
territory

18. Except where otherwise ordered by the Municipal Board, where a locality or a municipality is annexed to a municipality, the by-laws of the latter municipality extend

to the locality or annexed municipality and the by-laws then in force in the locality or annexed municipality cease to apply to it, except by-laws relating to highways, by-laws designating areas of subdivision control and by-laws passed under section 30 of *The Planning Act* or a predecessor of such section or which are kept in force by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, which shall remain in force until repealed by the council of the annexing municipality, and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council that passed them. 1954, c. 56, s. 1, *part.*

R.S.O. 1960,
c. 296
1941, c. 35

19.—(1) Where,

- (a) the whole of a municipality is annexed to another municipality;
- (b) two or more municipalities are amalgamated;
- (c) an improvement district is erected into a village, township or town;
- (d) a village is erected into a town;
- (e) a village, town or township is erected into a city,

Assets, etc.,
on
annexations,
amalgama-
tions,
erectations

all the assets and liabilities of the annexed or former municipality or municipalities and its or their local boards are assets and liabilities of the annexing or new municipality and its local boards, and the annexing or new municipality for all purposes stands in the place and stead of the annexed or former municipality or municipalities.

(2) Without limiting the generality of subsection 1, the annexing or new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the annexed or former municipality or municipalities, including those for the year in which the annexation, amalgamation or erection takes place, as if such taxes had been imposed by the annexing or new municipality. 1954, c. 56, s. 1, *part.*

Idem

20.—(1) Unless otherwise ordered by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, or is detached from one municipality and annexed to another, the real property belonging to the municipality from which the locality becomes or is detached and situated in the locality belongs to and is vested in the newly incorporated municipality or the annexing municipality, as the case may be, except a town hall and the land

Disposition
of real
property,
on incor-
porations
and
annexations

on which it is erected or which is used or enjoyed in connection with it, which shall remain the property of the municipality from which the locality becomes or is detached.

on
separation
from union
of
townships

(2) Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated township and the remainder of the real property is the property of the remainder of the union. 1954, c. 56, s. 1, *part*.

Unpaid
taxes

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, or is detached from one municipality and annexed to another, the taxes that were imposed by the municipality from which the locality becomes or is detached before the incorporation or annexation takes effect and are unpaid at the time the incorporation or annexation takes effect belong to the newly incorporated municipality or the annexing municipality, as the case may be, and may be collected and recovered by it as if they had been imposed by it.

Idem

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality or the annexing municipality under subsection 1, shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation or annexation. 1954, c. 56, s. 1, *part*.

Jurisdiction
of old
council on
incorpora-
tions, etc.

22.—(1) Where,

- (a) a locality is incorporated as an improvement district, township, village or town;
- (b) an improvement district is erected into a village, township or town;
- (c) a village is erected into a town;
- (d) a village, town or township is erected into a city; or
- (e) a township is separated from a union of townships,

and the council of the new municipality is not organized until after the time of the incorporation, erection or separation, the council having authority in the locality, municipality or separated township at the time of the incorporation, erection or separation shall, until the council of the new municipality is organized, continue to have the same powers as before the incorporation, erection or separation.

(2) Where two or more municipalities are amalgamated ^{Idem} and the council of the new municipality is not organized until after the time of the amalgamation, the council of each former municipality shall, until the council of the new municipality is organized, continue to have the same powers with respect to its municipality as before the amalgamation. 1954, c. 56, s. 1, *part*.

23.—(1) Where a work or service coming within the provisions of *The Municipal Drainage Act* or of *The Local Improvement Act* has been undertaken by a municipality and, after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the municipality from which the land becomes or is detached may complete the work or service, and may enter upon and acquire any land lying within the new or annexing municipality necessary for the completion of such work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money and do all such other acts and things as are necessary to complete the work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.

(2) The municipality by which the work or service was undertaken shall be indemnified by the new municipality or the annexing municipality against all debts and liabilities incurred by it before the formation of the new municipality or the annexation for or in respect of any such work or service to the extent to which the land lying within such new or annexing municipality was specially assessed, and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

(3) Where the land specially assessed lies wholly within the new or annexing municipality, the latter is liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of the new or annexing municipality with certified copies of all the by-laws relating to the work or service and the rates imposed by such by-laws shall be collected by the new or annexing municipality, and the latter shall pay the principal and interest of the debentures issued in respect of the work or service as they become due and shall indemnify the municipality from which the land was detached against the same.

Collection of special rates, etc., where only part of land specially assessed is detached

(4) Where only part of the land specially assessed lies within the new or annexing municipality, the clerk of the municipality from which it was detached shall furnish the clerk of the new or annexing municipality with a certified copy of the by-law imposing the special assessment, and the new or annexing municipality, in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the municipality from which it was detached for its share of the cost of the work or service shall be taken into account. 1954, c. 56, s. 1, *part*.

INTER-URBAN AREAS

Power to create inter-urban administrative areas
R.S.O. 1960, c. 98, 164

24.—(1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire protection, police protection, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including assistance under *The General Welfare Assistance Act*, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes. 1954, c. 56, s. 1, *part*; 1960, c. 69, s. 1.

Vote of electors

(2) Before proceeding with the application, the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Public hearing to be held

(3) Before making an order under subsection 1, the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Petition

(4) If a petition signed by at least 150 electors entitled to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council, the council shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent thereto a by-law or question setting out

the nature of the application prayed for, and if such by-law or question receives the assent of such electors the council shall forthwith make such application to the Board.

(5) The Lieutenant Governor in Council may authorize the Minister of Municipal Affairs to make an application under subsection 1 and in such case the Municipal Board has the same powers as if the application had been made by a municipality under subsection 1. Minister of Municipal Affairs may apply

(6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders, Powers of Municipal Board

- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 52 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration, and the order of the Board adopting, varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby; R.S.O. 1960, c. 274
- (e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;

(f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

Wards

(7) The Municipal Board shall order a division or re-division of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situated unless it is agreed to the contrary by the municipalities in the area.

Acting
secretary

(8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management.

Board of
Management,
composition

(9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided.

Who may
vote

(10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections is entitled to vote at the election of the member of the Board of Management to be elected for such ward.

Time and
place of
elections

(11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situated.

Election to
be as
municipal
election

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of this Act respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office, and decision in the case of a tie vote, apply *mutatis mutandis* to such election.

Two-year
term

(13) Each member so elected shall hold office for two years and until his successor is elected.

Secretary-
treasurer

(14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, with respect to the area and the administration of its affairs and of its inhabitants has and

may exercise all the authority, powers and rights and shall perform all the duties and obligations that by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status designated by the Municipal Board in respect of the purposes for which the area is created.

(15) The auditors of the municipality having the largest ^{Auditors} assessment within the area shall be the auditors of the area and the local boards thereof.

(16) The secretary-treasurer shall be the returning officer ^{Returning officer} of the area and, in the event of two or more candidates in any ward having an equal number of votes, he shall give a vote for one of such candidates so as to decide the election.

(17) No person is eligible for election as a member of the Board of Management or any local board unless he is a ^{Eligibility of candidates} resident of the ward for which he is nominated and qualified to vote at municipal elections therein.

(18) Nominations for the first election of the members of ^{Nominations} the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situated.

(19) A separate set of ballot papers shall be prepared by ^{Ballot papers} the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management and any local board in the same form as those used for councillors and aldermen.

(20) At the close of the poll in each municipality, the ^{Duties of returning officer at close of poll} returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and not later than 4 o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

(21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after the vacancy occurs appoint a qualified person, resident in the ward from which the member

so vacating his seat was elected, to fill the vacancy for the remaining part of the term from which his predecessor was elected.

Meetings

(22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding the meeting shall be fixed by by-law.

Election of chairman

(23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Idem

(24) In case of an equality of votes at the election of the chairman, the member who is assessed for the largest sum on the last revised assessment roll has a second or casting vote.

Powers and duties of chairman

(25) The chairman of the Board of Management shall be deemed to be and has all the rights, powers, privileges, duties and authority of the head of a council and municipality and a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board.

Vice-chairman

(26) The Board of Management shall appoint a vice-chairman who, during the absence of the chairman or if the office is vacant, has all the rights, powers, privileges, duties and authority of the chairman.

Quorum

(27) A majority of the members constituting the Board is a quorum.

Status of area

(28) The area is a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board.

Status of Board of Management
R.S.O. 1960,
c. 98

(29) The Board of Management is a municipal council for the administration and management of the purposes for which the area was created and is a local board as defined in *The Department of Municipal Affairs Act* for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units.

Board of Management supreme

(30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situated and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created.

(31) Every board created or amalgamated for school purposes in the area has the status of a public school board, continuation school board, separate school board, board of education, high school board or collegiate institute board, or board of trustees of a township school area as is designated by the Municipal Board, and every such board is a corporation by the name of The Public School Board, or The Continuation School Board, or The Separate School Board, or The Board of Education, or The High School Board, or The Collegiate Institute Board, or The Board of Public School Trustees, of The Inter-Urban Area of, as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school Acts governing such boards apply *mutatis mutandis* to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons entitled to vote as public school supporters or separate school supporters, as the case may be, and the composition of the high school board or the collegiate institute board or the board of education shall also include the member or members to be appointed by the county or separate school board pursuant to Part II or Part IV of *The Secondary Schools and Boards of Education Act*, as the case may be. School boards
R.S.O. 1960,
c. 362

(32) Notwithstanding subsection 31, the Municipal Board may provide that a high school board or a collegiate institute board created under this section shall be composed of one or more members representing each local municipality in the area to be appointed by the council of each such municipality at the first meeting in each year and the members so appointed, with such additional members as are authorized by *The Secondary Schools and Boards of Education Act*, form such high school board or collegiate institute board, as the case may be. Exception:

(33) When its assessment roll has been finally revised and corrected, the clerk of each municipality within the area shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment and the total assessment for public school, separate school and general purposes, and when required to do so by the area assessors, Board of Management, county judge or court, as the case may be, for the purpose of equalization or otherwise produce the original assessment roll of the municipality. Roll to be transmitted and produced

(34) The Board of Management shall equalize the real property assessments of the municipalities within the area Equalization of assessment

for public school, separate school, continuation school, board of education, high and collegiate school purposes, as the case may be, and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as county assessors. 1954, c. 56, s. 1, *part*.

Basis for
raising
required
sums

(35) The assessment of real property and business assessments as equalized in each municipality for the preceding year is the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned. 1954, c. 56, s. 1, *part*; 1955, c. 48, s. 4.

Rates

(36) The Board of Management shall prepare and adopt estimates of all sums required during the year for the purposes of the area including the rates imposed by any separate school board and the sums required to be provided by the Board of Management for any board, commission or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area and the secretary-treasurer shall forthwith after such apportionment has been made certify to the clerk of each local municipality in the area the amount or rate to be levied thereon for each purpose for the current year and the sum shall be collected and levied upon the whole rateable property within such municipality according to the last revised assessment roll, except that the amounts or rates to be levied for public school or separate school purposes shall be collected and levied upon the whole rateable property of public school supporters or separate school supporters, as the case may be, and the total of such amounts shall be collected and paid over to the Board of Management at the time and in the manner required by the Board.

Estimates

(37) The Board of Management may by by-law require that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money shall be submitted to the Board of Management on or before the 1st day of March in each year and that such estimates shall be in the form and give the particulars that the by-law prescribes.

(38) The Board of Management in apportioning any rate or sums for any of the purposes of subsection 1 of section 295 shall add to the amount of the equalized assessment of each local municipality within the area any amounts exempted therefrom by reason of a fixed assessment or a partial or total exemption from assessment, except as provided in section 4 of *The Assessment Act*.

Rates to be
levied on
full values

R.S.O. 1960,
c. 23

(39) In raising money for any of the purposes of the Board of Management by way of debentures, the assent of the electors is not required and, for current borrowing, section 329 applies *mutatis mutandis*.

Borrowing
powers

(40) The Municipal Board may make such orders in respect of any matter not specifically provided for in this section as it may deem expedient in connection with the area and every such order is valid and binding upon all municipalities and local boards affected thereby.

Power to
make
additional
orders, etc.

(41) The powers conferred upon the Municipal Board by this section may be exercised at any time notwithstanding any other provision in this Act or any other special or general Act and, in the event of conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail save that nothing herein affects or limits the powers of a board of separate school trustees with respect to the imposing, levying and collecting of school rates, the borrowing of money for school purposes and the making of instruments for the security of payment thereof.

Conflict

(42) Any area created in unorganized territory is subject to Part III of *The Department of Municipal Affairs Act*, 1954, c. 56, s. 1, *part, amended*.

Unorganized
territory
R.S.O. 1960,
c. 98

DISSOLUTIONS

25.—(1) In this section, "municipality" means local municipality, and includes,

Interpre-
tation

- (a) a police village;
- (b) an elementary school board having jurisdiction only in territory without municipal organization;
- (c) a high school board having jurisdiction only in territory without municipal organization;
- (d) road commissioners under *The Statute Labour Act* having jurisdiction only in territory without municipal organization;
- (e) a board of management established under section 24.

R.S.O. 1960,
c. 382

Dissolution
of municipi-
pality, etc.

- (2) Upon the application, authorized by by-law,
- (a) of a municipality to have the municipality dissolved;
or
 - (b) of a municipality to have dissolved one of its local
boards that it is not required by law to have and
for the dissolution of which no provision is made by
law; or
 - (c) of a municipality that adjoins territory without
municipal organization for the detachment from the
municipality of any part or parts thereof,

the Municipal Board may by order on such terms as it may
deem expedient,

- (d) dissolve the municipality; or
- (e) dissolve the local board; or
- (f) detach from the municipality such part or parts or
any larger or smaller part or parts,

as the case may be, and the order shall take effect on the day
named therein.

Dissolution
of board of
management

- (3) An application for the dissolution of a board of manage-
ment established under section 24 may be made under sub-
section 2 by the board of management or by any municipality
within the area for which the board of management was
established.

Application
by Minister

- (4) The Lieutenant Governor in Council may authorize
the Minister of Municipal Affairs to apply to the Municipal
Board for any purposes mentioned in clause *a*, *b* or *c* of sub-
section 2, and in such case the Municipal Board has the same
powers as if the application had been made under subsection 2
by the municipality concerned.

Assent of
electors

- (5) The Municipal Board, before proceeding with an appli-
cation under subsection 2, may require the assent of the elec-
tors of the municipality.

Public
hearing

- (6) The Municipal Board, before making an order under
subsection 2, shall hold a public hearing, after such notice
thereof has been given as the Board may direct which shall in
every case include a written notice to the Minister of Health,
for the purpose of inquiring into the merits of the application
and of hearing any objections that any person may desire
to bring to the attention of the Board.

Powers of
Board

- (7) The Municipal Board may by any order under subsec-
tion 2 or by subsequent order or orders,

- (a) in the case of an application under clause *a* of subsection 2, declare that the municipality dissolved shall be an improvement district or that the lands comprising the municipality or any part or parts thereof shall be annexed to another municipality or municipalities or that the lands comprising the municipality or any part or parts thereof shall become territory without municipal organization;
- (b) in the case of an application under clause *b* of subsection 2, provide for the disposition of the assets and liabilities of the local board in such manner as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (c) in the case of an application under clause *c* of subsection 2, declare that the lands detached from the applicant municipality shall be an improvement district or that such lands or any part or parts thereof shall be annexed to another municipality or municipalities or that such lands or any part or parts thereof shall become territory without municipal organization;
- (d) make all such adjustments of assets and liabilities as between any municipalities, including counties, affected by any such order as may be agreed upon or, in default of agreement, as the Board may deem equitable;
- (e) define the municipality dissolved or the lands detached as a special area and adjust the rights, claims, liabilities and obligations of the ratepayers of such area and provide the extent to and the manner in which the liabilities of the municipality dissolved or the lands detached shall be discharged by the imposition of rates upon the rateable property in such area or otherwise;
- (f) appoint one or more referees, who shall have all the powers mentioned in section 52 of *The Ontario Municipal Board Act*, to inquire into and report to the Board upon the disposition and adjustment of assets and liabilities and of the rights, claims, liabilities and obligations referred to in clauses *b*, *d* and *e*, or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the

referee or referees for further consideration, and the order of the Board adopting, varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;

- (g) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (h) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the dissolution or detachment provided for in the order.

Rules, etc.

(8) The Municipal Board may make such rules and regulations and issue such orders and directions with respect to any matter not specifically provided for in this section as it may deem necessary or desirable in connection with the dissolution or detachment. 1954, c. 56, s. 1, *part*.

PART II

MUNICIPAL COUNCILS—HOW COMPOSED

COUNTIES

County
councils

26.—(1) The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county.

Vote of
reeve and
deputy reeve
in towns,
villages and
townships

(2) Where a town not being a separated town, or a village, or a township in a county, has more than 2,000 and not more than 3,000 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 3,000 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote.

Application
of s. 33,
subss. 2-4

(3) Subsections 2, 3 and 4 of section 33 apply to this section. R.S.O. 1950, c. 243, s. 48.

CITIES

Councils
of cities,
how com-
posed

27.—(1) The council of a city shall be composed of a mayor, the members of the board of control if the city has such a board, and,

- (a) three aldermen for each ward; or
- (b) where the council by by-law so provides, two aldermen for each ward;
- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides,

one alderman for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

(2) In the case provided for by clause *c* of subsection 1, ^{By-law for election by general vote} or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and in the latter case the number of aldermen shall be the same as if they were elected by wards. R.S.O. 1950, c. 243, s. 49 (1, 2).

(3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two ^{Repeal of by-law} annual or biennial elections, as the case may be, have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual or three biennial elections, as the case may be, have been held under it. 1957, c. 76, s. 3.

(4) A by-law for any of the purposes mentioned in sub-^{When and how by-law to be passed} sections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors. R.S.O. 1950, c. 243, s. 49 (4).

(5) Every such by-law including a repealing by-law shall ^{When by-law to take effect} take effect at and for the purposes of the municipal election next after the passing of it. R.S.O. 1950, c. 243, s. 49 (5); 1958, c. 65, s. 1 (1).

(6) Subject to subsection 3, where the petition of at least ^{Submission of by-law on petition of electors} one-fifth of the municipal electors is presented on or before the 1st day of November in any year, praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause *c* of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1950, c. 243, s. 49 (6); 1958, c. 65, s. 1 (2).

TOWNS

28.—(1) The council of a town in unorganized territory ^{Councils of towns in unorganized territory} shall be composed of a mayor and six councillors to be elected by general vote or, where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

Councils of
towns over
5,000

(2) If the town has a population of not less than 5,000, the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

Election by
wards

(3) Where a town in unorganized territory has been divided into wards, the council may provide that the council shall be composed of a mayor and one councillor for each ward, and the remaining councillors to complete the full number of four, six, seven or nine, as the case may be, to be elected by general vote. R.S.O. 1950, c. 243, s. 50.

Councils of
towns of
more than
5,000 in
counties

29.—(1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and three councillors for each ward, but, if there are five or more wards, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward. R.S.O. 1950, c. 243, s. 51 (1); 1958, c. 64, s. 3 (1).

Alternate
powers

(2) Where the town has less than five wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and six councillors, or a mayor, a reeve, a deputy reeve where so entitled, and four councillors, to be elected by general vote, and, where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and one councillor for each ward. 1958, c. 64, s. 3 (2).

Case of town
of not more
than 5,000

(3) Where the town has a population of not more than 5,000, the council shall be composed of a mayor, a reeve, a deputy reeve where so entitled, and,

- (a) six councillors to be elected by general vote or, where the council so provides, four councillors to be elected by general vote; or
- (b) where the council so provides, one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote. R.S.O. 1950, c. 243, s. 51 (3); 1958, c. 64, s. 3 (3).

Repeal of
by-law

(4) A by-law passed under section 28 or under subsection 2 or 3 of this section shall not be repealed until two annual or biennial elections, as the case may be, have been held under it. 1957, c. 76, s. 4.

(5) A by-law passed under section 28 or under subsection 2 or 3 of this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November, and shall not be passed unless it has received the assent of the municipal electors. R.S.O. 1950, c. 243, s. 51 (5). Time for passing of by-laws; assent of electors

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the municipal election next after its passing. R.S.O. 1950, c. 243, s. 51 (6); 1958, c. 64, s. 3 (4). When by-law to take effect

(7) Subject to subsection 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the 1st day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing municipal election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1950, c. 243, s. 51 (7); 1958, c. 64, s. 3 (5). Submission of questions on petition of electors

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the 1st day of November, shall submit the question of repealing the by-law to a vote of the electors at the next ensuing municipal election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. R.S.O. 1950, c. 243, s. 51 (8); 1958, c. 64, s. 3 (6). Submission of question of repeal

30. For the purposes of sections 27 to 29, the population shall be determined by the latest census made by the assessor under *The Assessment Act*. 1951, c. 53, s. 1. Population
R.S.O. 1960, c. 23

VILLAGES AND TOWNSHIPS

31.—(1) In a county, the council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote. R.S.O. 1950, c. 243, s. 53 (1); 1955, c. 48, s. 5. Councils of villages and townships in counties

(2) Where a village or township is divided into wards, the council, notwithstanding any general or special Act, shall be composed of a reeve to be elected by general vote, and a deputy reeve and a councillor to be elected for each ward and, where there are less than five wards, the Municipal Board Wards

may by order provide for an additional councillor for any ward having a population greater than 10,000.

County
council

(3) Notwithstanding any other provision, no village or township shall have greater representation upon the county council than the reeve and one deputy reeve to be appointed by the council. R.S.O. 1950, c. 243, s. 53 (3, 4).

Alternative
composition
where wards

(4) The council of a village or township divided into wards may by by-law provide that thereafter the council shall be composed of a reeve and deputy reeve, each to be elected by general vote, and a councillor to be elected for each ward and where there are less than five wards the by-law may also provide for an additional councillor to be elected for any ward having a population greater than 10,000. 1951, c. 53, s. 2, *part*; 1960, c. 69, s. 2.

Repeal

(5) A by-law passed under subsection 4 shall not be repealed until at least two annual or biennial elections, as the case may be, have been held under it. 1951, c. 53, s. 2, *part*; 1958, c. 65, s. 2 (1).

Time for
passing;
assent of
electors

(6) A by-law for the purpose mentioned in subsection 4 and a by-law repealing any such by-law shall not be passed later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors. 1951, c. 53, s. 2, *part*.

Where assent
unnecessary

(7) Notwithstanding subsection 6, a by-law for the purpose mentioned in subsection 4 may be passed without the assent of the municipal electors if a by-law or a question for the division of the municipality into wards has received the assent of the municipal electors. 1953, c. 70, s. 2; 1954, c. 56, s. 2 (2).

Effective
date

(8) Every such by-law, including a repealing by-law, shall take effect at and for the purpose of the municipal election next after the passing of it. 1951, c. 53, s. 2, *part*; 1958, c. 65, s. 2 (2).

Village and
township in
unorganized
territory

32. In unorganized territory, the council of a village and the council of a township shall consist of a reeve and four councillors. 1954, c. 56, s. 3.

TOWNS, VILLAGES AND TOWNSHIPS

Deputy
reeves

33.—(1) Every town not being a separated town, village and township in a county is entitled where it has more than 1,000 municipal electors to a deputy reeve. R.S.O. 1950, c. 243, s. 54 (1).

Number of
electors,
how deter-
mined

(2) The number of municipal electors shall be determined by the last revised voters' list but, in counting the names, the name of the same person shall not be counted more than once,

and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause *d* of subsection 1 of section 37 or who is entered on the list as a farmer's daughter of farmer's sister or farmer's son's wife shall not be counted. 1958, c. 64, s. 4.

(3) It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the last revised voters' list at least six days before the day fixed for holding the meeting for the nomination of candidates for membership in the council to send by registered mail to the clerk of the county a certificate under his hand and the seal of the corporation, stating the total number of municipal electors according to the last revised voters' list who are to be counted under subsection 2, and to post up in his office a duplicate of such certificate. Certificate of clerk

(4) If the clerk fails to send such certificate within the prescribed time, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 and, if he certifies to a larger number of municipal electors than should be counted under subsection 2, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1950, c. 243, ss. 54 (3, 4), 493. Offence

QUALIFICATIONS

34.—(1) Every person is qualified to be elected a member of the council of a local municipality who, Qualification of candidates

- (a) is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality or is the wife of a householder and who resides in or within five miles of the municipality;
- (b) is entered on the last revised voters' list as qualified to vote at municipal elections;
- (c) is a British subject and has taken the oath of allegiance (Form 2);
- (d) is of the full age of twenty-one years; and
- (e) is not disqualified under this or any other Act. R.S.O. 1950, c. 243, s. 55 (1); 1959, c. 62, s. 3.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each. Rating for land

Interpre-
tation

(3) "Householder" means the person who occupies and is assessed as owner or tenant of a dwelling or apartment house or part of a dwelling or apartment house separately occupied as a dwelling.

Qualification
where land
annexed to
urban
municipi-
pality

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it is sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory was situate before its annexation, and for a sufficient amount to qualify him for election to the council of that municipality. R.S.O. 1950, c. 243, s. 55 (2-4).

Qualification
in new
township

(5) Where the inhabitants of a locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election is that the person is of the full age of twenty-one years, a British subject and a householder resident in the municipality. R.S.O. 1950, c. 243, s. 55 (5); 1951, c. 53, s. 3.

DISQUALIFICATION

Persons
disqualified
from being
members of
a council

35.—(1) The following are not eligible to be elected a member of a council or entitled to sit or vote therein:

- (a) a judge of any court;
- (b) a jailer or a keeper of a lock-up;
- (c) a sheriff, deputy sheriff or sheriff's bailiff;
- (d) a chief constable of a city or town;
- (e) an assessment commissioner, assessor, a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality; R.S.O. 1950, c. 243, s. 56 (1), cls. (a-e).
- (f) a trustee of a police village unless he has before the opening of the nomination meeting filed his resignation with the township clerk; R.S.O. 1950, c. 243, s. 56 (1), cl. (f); 1954, c. 56, s. 4 (1).
- (g) a person, other than the head of the council or a member of council appointed under section 214 to act in place of the head of the council, who is a member of a board or commission appointed or elected for the construction, management or control of a transportation system that is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation, unless before

the opening of the nomination meeting he has filed his resignation with the clerk of the municipality, and this clause has effect notwithstanding any general or special Act or any by-law of a municipal corporation; 1957, c. 76, s. 6.

- (h) a person other than the head of the council who is an appointed or elected member of a board, commission or other body to which the construction, management or control of a public utility belonging to the corporation of the municipality is entrusted under *The Power Commission Act*, *The Public Utilities Act*, R.S.O. 1960, cc. 300, 335 or any special Act unless before the opening of the nomination meeting he has filed his resignation with the clerk of the municipality; R.S.O. 1950, c. 243, s. 56 (1), cl. (h); 1956, c. 50, s. 2 (2).
- (i) a clerk or bailiff of a division court;
- (j) a Crown attorney or a clerk of the peace;
- (k) a registrar or a deputy registrar of deeds;
- (l) a master or a local master of titles; R.S.O. 1950, c. 243, s. 56 (1), cls. (i-l).
- (m) a member of a board of education or of a public, separate or high school board, unless before the opening of the nomination meeting he has filed his resignation with the secretary of the board; R.S.O. 1950, c. 243, s. 56 (1), cl. (m); 1956, c. 50, s. 2 (3).
- (n) a magistrate;
- (o) a clerk of a county or district court;
- (p) a deputy clerk of the Crown or a local registrar;
- (q) a person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials:
 - (i) "contract" in this clause includes a contract, other than a teacher's contract, with a public or high school board or a board of education; R.S.O. 1950, c. 243, s. 56 (1), cls. (n-q).

- (r) a person who, either himself or by or with or through another has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409; R.S.O. 1950, c. 243, s. 56 (1), cl. (r); 1952, c. 63, s. 3.
- (s) a person who, either himself or by or with or through another, is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation; R.S.O. 1950, c. 243, s. 56 (1), cl. (s).
- (t) an owner or tenant against the land in respect of which he qualifies there are at the time of the opening of the nomination meeting any taxes of a preceding year or years overdue and unpaid; R.S.O. 1950, c. 243, s. 56 (1), cl. (t); 1951, c. 53, s. 4 (1).
- (u) a tenant who at the time of the opening of the nomination meeting owes more than three months rent upon the property in respect of which he qualifies; R.S.O. 1950, c. 243, s. 56 (1), cl. (u); 1954, c. 56, s. 4 (2).
- (v) a person who is an undischarged bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario; R.S.O. 1950, c. 243, s. 56 (1), cl. (v).
- (w) a person whose taxes in respect of an assessment for business at the time of the opening of the nomination meeting are overdue and unpaid. R.S.O. 1950, c. 243, s. 56 (1), cl. (w); 1951, c. 53, s. 4 (2).

Ineligibility of member whose term of office has not expired to qualify for another office unless he resigns his present office

(2) In any municipality in which under this or any special Act members of council are elected for a term of two or more years, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the next ensuing municipal election is to be held is eligible to be nominated for membership in the council in any other office unless he has at least ten days before the day of nomination filed his resignation from the office that he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid. R.S.O. 1950, c. 243, s. 56 (2); 1960, c. 69, s. 3 (1).

- (3) Subsection 1 does not apply to a person by reason only, ^{Disqualification not to apply in certain cases}
- (a) of his being a shareholder in an incorporated company having dealings or a contract with the corporation;
 - (b) of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation;
 - (c) that part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council;
 - (d) of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices that appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is furnished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing;
 - (e) of his having been appointed and paid for his services as commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation;
 - (f) of his being a consumer or taker of anything supplied by the corporation or any commission under *The Public Utilities Act* or of his having entered into a contract with the corporation or commission for the supply of it to him; ^{R.S.O. 1960, c. 335}
 - (g) of his having entered into an agreement of sale with a municipal housing commission;
 - (h) while being a member of council, of his acting in the place and stead of the head of the council as a member of any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act; R.S.O. 1950, c. 243, s. 56 (3); 1960, c. 69, s. 3 (2).
 - (i) of his purchasing or owning a debenture of the corporation; 1958, c. 64, s. 5.
 - (j) of his being related by blood or marriage to a person employed by the corporation. 1959, c. 62, s. 4.
- (4) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not ^{Persons not to vote on certain questions}

vote on any question affecting his lease or his rights or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation.

Resignation,
when to
vacate seat

(5) The filing of the resignation mentioned in clause *m* of subsection 1 renders vacant the seat of the member.

Appoint-
ments to
two com-
missions,
etc.

(6) Notwithstanding the provisions of clause *g* of subsection 1 and of section 42 of *The Public Utilities Act*, a member of a board or commission appointed or elected for the construction, management or control of a transportation system mentioned in the said clause *g* may be appointed or elected and be entitled to sit and vote as a member of a commission established under *The Power Commission Act*, *The Public Utilities Act* or any special Act for the management and control of a public utility. R.S.O. 1950, c. 243, s. 56 (4-6).

R.S.O. 1960,
cc. 300, 335

Contracts
by members
with corpor-
ation to be
void

36. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation is void. R.S.O. 1950, c. 243, s. 57.

PART III

MUNICIPAL ELECTIONS

WHO TO BE ENTERED ON VOTERS' LIST

Qualifica-
tion to be
entered on
voters' list
R.S.O. 1960,
c. 420

37.—(1) Every person is entitled to be entered on the voters' list prepared under *The Voters' Lists Act* who is,

- (a) of the full age of twenty-one years;
- (b) a British subject by birth or naturalization;
- (c) not disqualified under this Act or otherwise by law prohibited from voting; and
- (d) rated or entitled to be rated to the amount herein-after mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant, or who is entered or was entitled to be entered on such roll as a farmer's son, farmer's daughter or farmer's sister or who is the wife of a person who is entered or was entitled to be entered on such roll as a farmer's son; or

- (e) in lieu of the qualification required by clause *d*, renting a building owned by and vested in The Hydro-Electric Power Commission of Ontario in respect of which a payment is made under subsection 2 of section 48 of *The Power Commission Act* in any year, the assessed value of which, when added to the assessed value of the land on which it is located, amounts to a sum that would entitle such person to be rated on the last revised assessment roll as tenant if the land and building were owned or held by any other person, or who is the wife or husband of such person. R.S.O. 1960, c. 300
R.S.O. 1950, c. 243, s. 58 (1); 1953, c. 70, s. 3; 1954, c. 56, s. 5 (1); 1957, c. 76, s. 7.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each to an amount not less than, Amount of rating necessary

- (a) in villages and townships, \$100;
 (b) in towns having a population not exceeding 3,000, \$200;
 (c) in towns having a population exceeding 3,000, \$300;
 (d) in cities, \$400.

(3) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated. Where owner and occupant severally rated

(4) If the rating of land owned or occupied by two or more persons jointly and not severally is sufficient, if equally divided among them, to give a qualification to all, each of them shall be deemed to be rated within the meaning of this section, and if such rating is insufficient to qualify all, so many of them shall be deemed to be rated within the meaning of this section as will result in whole numbers from a division of the minimum rating prescribed by subsection 2 into the total rating of the land, and in such case the persons who shall be deemed to be rated shall be named in a writing to be signed by all such joint owners or occupants and upon such nomination being filed with the clerk. Joint tenancy
R.S.O. 1950, c. 243, s. 58 (2-4).

(5) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, or farmer's daughter, or a farmer's sister, by reason of not having resided on the farm as therein required, is entitled to be entered on the voters' list if he or she has the other qualifications of a farmer's son, or a farmer's daughter, or a farmer's sister as prescribed by that Act and has resided on the farm of his or her father or mother or brother for the twelve months next preceding the date of the final revision of the assessment Farmers' sons, daughters and sisters
R.S.O. 1960, c. 23

R.S.O. 1960,
c. 420

roll or for the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*, and, where under the provisions hereof a farmer's son is entered on the list, his wife, if otherwise qualified, shall also be entered thereon. R.S.O. 1950, c. 243, s. 58 (5); 1954, c. 56, s. 5 (2).

Occasional
or tem-
porary
absence

(6) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months does not disentitle a farmer's son, farmer's daughter or farmer's sister to be entered on the voters' list. R.S.O. 1950, c. 243, s. 58 (6).

Certificate
for voters
if names
omitted

(7) Where after the voters' list has been finally revised the clerk is satisfied that the name of a person entitled to be entered thereon under this section has by error been omitted therefrom, he may, if such person is entered on the last revised assessment roll, or has been added to the assessment roll under section 54 of *The Assessment Act*, and is not otherwise disqualified, issue a certificate (Form 10), authorizing the returning officer or proper deputy returning officer to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised. R.S.O. 1950, c. 243, s. 58 (7); 1952, c. 63, s. 4.

Idem

(8) Where after the voters' list has been finally revised and the name of a person entitled to be entered thereon under this section has been omitted therefrom because such person is entered on the assessment roll as an alien, if such person produces for the inspection of the clerk his certificate of naturalization or other conclusive evidence that he is not an alien and is not otherwise disqualified, the clerk may issue a certificate (Form 10) authorizing the returning officer, the proper deputy returning officer or proper poll clerk to enter the name of such person on the voters' list to entitle him to vote as if his name had been entered thereon before the list was revised.

Idem

(9) Where after the voters' list has been finally revised and the name of a person entitled to be entered thereon under this section by reason of being the wife or husband of a person rated or entitled to be rated for land as owner or tenant has been omitted therefrom, if the person rated or entitled to be rated for land as owner or tenant is entered on the last revised assessment roll or has been added to the assessment roll under section 54 of *The Assessment Act* and such wife or husband is not otherwise disqualified, the clerk may issue a certificate (Form 10) authorizing the returning officer or proper deputy returning officer or proper poll clerk to enter the name of such wife or husband on the voters' list to entitle her or him to vote as if her or his name had been entered thereon before the list was revised. 1956, c. 50, s. 3.

R.S.O. 1960,
c. 23

RIGHT TO VOTE

38. Subject to sections 40 and 41, every person whose name is entered on the proper voters' list is entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he is not entitled to vote unless the tenant is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer's son or farmer's daughter, or farmer's sister, he or she is a resident of the municipality at the date of the election. R.S.O. 1950, c. 243, s. 59; 1955, c. 48, s. 6.

Right to
vote at
municipal
elections

39. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son, or farmer's daughter, or farmer's sister, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, or from the tenant not residing in the municipality at the date of and for one month next before the election in the case of a voter who is the husband or wife of the tenant, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election. R.S.O. 1950, c. 243, s. 60; 1954, c. 56, s. 6.

Qualifica-
tions not to
be ques-
tioned
at election
except as
to non-
residence

40.—(1) No person whose name appears on the defaulters' list provided for by section 83 is entitled to vote in respect of real property in a municipality the council of which has passed, a by-law under paragraph 51 of subsection 1 of section 379, unless at the time of tendering his vote he produces and leaves with the deputy returning officer a certificate from the treasurer, or the collector, showing that the taxes in respect of which the default was made have since been paid.

Persons in
default for
non-payment
of taxes
not to vote

(2) The deputy returning officer shall file the certificate and note the same on the defaulters' list. R.S.O. 1950, c. 243, s. 62.

Certificate to
be filed

41. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 119. R.S.O. 1950, c. 243, s. 63.

Clerk may
give a cast-
ing vote
only

42. Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected are entitled to vote in the city, town or village at such election. R.S.O. 1950, c. 243, s. 65.

Where
territory
added to
city, town or
village, or a
new city,
town or vil-
lage erected
with added
territory,
and no
voters' lists
including
such
territory

NOMINATION MEETING

Nomina-
tion and
polling days

43.—(1) Except when otherwise provided by by-law passed in accordance with this Act, a meeting of the electors shall take place annually for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors at the hall of the municipality at noon on the last Monday in December and the day for polling shall be the first Monday in January next thereafter.

When
nomination
day falls on
Christmas

(2) When the last Monday in December is Christmas Day, the nomination meeting shall be held on the preceding Friday.

Power to
fix place
and hour
of nomina-
tion meeting

(3) The council may by by-law passed not later in the year than the 1st day of November fix the place and time of the nomination meeting and when the election for any office is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof, and the by-law remains in force from year to year until repealed. R.S.O. 1950, c. 243, s. 66.

Power to
fix nomina-
tion and
polling days

44.—(1) The council may, not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and for any local board or commission any members of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 2nd day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law remains in force from year to year until repealed, but no such by-law shall be amended or repealed after the 1st day of November in any year.

Time and
place of
nomination
meetings

(2) The by-law shall fix the place and the time of the nomination meeting, and when the election is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices, and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof.

Where a
township
adjoins an
urban
municipality

(3) Where a township adjoins an urban municipality, a place within the urban municipality may be designated as the place for holding the nomination meeting of the township. R.S.O. 1950, c. 243, s. 67.

Notice

45. The returning officer shall give notice of the nomination meeting, at least six days before the meeting, by publica-

tion in a newspaper having general circulation in the municipality and, in any township where there is no newspaper having general circulation, by posting notice thereof in at least two conspicuous places in the township. 1958, c. 64, s. 6.

46.—(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 45 and the candidates for each office shall be proposed and seconded *seriatim*. R.S.O. 1950, c. 243, s. 70 (1). Nomination meetings procedure

(2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and the residence and occupation of the proposer and seconder and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present, and shall be filed with the returning officer within one hour from the opening of the nomination meeting. R.S.O. 1950, c. 243, s. 70 (2); 1952, c. 63, s. 5. Nomination papers

(3) Failure to comply with subsection 1 or 2 does not invalidate any nomination if it is received and acted upon by the returning officer without objection. R.S.O. 1950, c. 243, s. 70 (3). Effect of non-compliance with subs. 1 or 2

(4) Where a proposed candidate is not present, his nomination paper is not valid unless there is evidence satisfactory to the returning officer that he consents to be so nominated. R.S.O. 1950, c. 243, s. 70 (4); 1955, c. 48, s. 9. When proposed candidate absent

(5) The name, residence and occupation of every person nominated for the respective offices shall be posted up as the nomination papers are filed. R.S.O. 1950, c. 243, s. 70 (5). Posting up of candidates' names, etc.

(6) At the nomination meeting or before 9 o'clock in the afternoon of the same day or within an hour of the close of the nomination meeting, whichever is the later, a candidate may resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer or the clerk and in default he shall be deemed to be nominated for the office for which he was first nominated. R.S.O. 1950, c. 243, s. 70 (6); 1957, c. 76, s. 8. Resignation of candidates

(7) When a candidate makes the filings mentioned in subsection 1 of section 48 by filing them with the returning officer or the clerk at the nomination meeting or before 9 o'clock in the afternoon of the same day, he shall be deemed to have resigned as candidate for all other offices for which he was nominated. Qualification of candidate

(8) The returning officer shall not close the nomination meeting until such business as he considers may properly be brought before it has been disposed of. Close of meeting

Furnishing
of certifi-
cates

(9) The treasurer or collector of the municipality shall be in attendance at his office, or such place as is designated by the council, at least one hour prior to the holding of the nomination meeting for the purpose of furnishing the certificates referred to in subsection 1 of section 48. R.S.O. 1950, c. 243, s. 70 (7-9).

Names of
candidates
to be
posted up

47. Immediately following the nomination meeting, the returning officer shall post up in the office of the clerk the name, residence and occupation of every person nominated for the respective offices. R.S.O. 1950, c. 243, s. 71.

Declaration
of qualifi-
cation,
etc.

48.—(1) Before 9 o'clock in the afternoon of the day following the nomination meeting, provided that where such day is a holiday, not on such day but before noon on the following day, every candidate shall file in the office of the clerk,

- (a) a declaration of qualification (Form 1);
- (b) an oath of allegiance (Form 2); and
- (c) a certificate of the treasurer or collector that there were, at the time of the opening of the nomination meeting, no unpaid taxes for any preceding year against the land in respect of which he is qualifying and no unpaid taxes against him in respect of an assessment for business, or a statutory declaration to the same effect. R.S.O. 1950, c. 243, s. 72 (1); 1951, c. 53, s. 5; 1952, c. 63, s. 6.

Absence or
illness of
candidates

(2) When a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the prescribed time and it appears to the clerk that the candidate is qualified to be elected, any municipal elector may in lieu of such declaration file within the prescribed time a declaration stating that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualifications prescribed for the office for which he has been nominated and that if elected he will accept the office.

Withdrawal
of
candidates

(3) Any person who has made the filings required by subsection 1 may resign in writing signed by him and attested by a witness and delivered to the clerk within the time prescribed in subsection 1.

Clerk's
office to
remain
open

(4) The clerk's office shall remain open until 9 o'clock in the afternoon of the day following the nomination meeting, but if that day is a holiday it shall be closed, in which case it shall remain open the following day until noon, so that filings may be made.

(5) The clerk shall not place on the ballot paper the name of a candidate who fails to make the filings required by subsection 1 or on whose behalf a declaration has not been filed under subsection 2. R.S.O. 1950, c. 243, s. 72 (2-5). ^{Failure to file}

49. If no more candidates qualify for any office than the number to be elected, the clerk shall forthwith after the expiry of the time prescribed in section 48 declare the candidate or candidates duly elected. R.S.O. 1950, c. 243, s. 73. ^{Acclamations}

50. Where from any cause the requisite number of persons is not elected, the clerk shall cause a new election to be held as soon as practicable to fill the vacancies, and, until such election is held and the council, or sufficient members to exceed one-half thereof when complete, is elected, the council of the preceding year shall continue in office. R.S.O. 1950, c. 243, s. 74. ^{New election}

51. If a candidate for any office dies after having qualified and before the close of the poll, the returning officer shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election. R.S.O. 1950, c. 243, s. 75. ^{New election in case of death of candidate}

52. The members of a council shall hold office until their successors are elected and the new council is organized. R.S.O. 1950, c. 243, s. 76. ^{Term of office}

53.—(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law provide that thereafter the term of office of members of the council of the municipality shall be two years. ^{Two-year term}

(2) A by-law passed under subsection 1 may provide, ^{Biennial elections, staggered system}

(a) for biennial elections, in which case an election shall be held every two years; or

(b) for the staggered system of elections in which case an election shall be held every year.

(3) Where the by-law provides for biennial elections, all the members of council elected at the election next after the passing of the by-law and thereafter shall hold office for a two-year term. ^{Biennial elections}

(4) Where the by-law provides for the staggered system, ^{Staggered system}

(a) the mayor, the reeve and the deputy reeve or deputy Reeves elected at the election next after the passing

of the by-law and thereafter shall hold office for a two-year term;

- (b) the one-half of the members of the board of control, other than the mayor, receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the other one-half shall remain in office for a one-year term and thereafter each member of the board of control shall be elected for a two-year term;
- (c) where other members of council are elected by general vote, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes at the election next after the passing of the by-law shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter each member shall be elected for a two-year term;
- (d) where other members of council are elected by wards and two or more members other than a deputy reeve are elected in a ward, the one-half, or in the case of an uneven number the majority, of such members receiving the highest number of votes in the ward at the election next after the passing of the by-law shall remain in office for a two-year term, and the remainder shall remain in office for a one-year term, and thereafter each member shall be elected for a two-year term;
- (e) where other members of council are elected by wards and only one member other than a deputy reeve is elected in a ward, the member elected in the ward at the election next after the passing of the by-law shall remain in office for a one-year term and thereafter the member for the ward shall be elected for a two-year term.

Acclama-
tions

(5) Where a by-law providing for the staggered system is passed and the full number of members of the board of control, or the full number of members to be elected by general vote, or the full number of members to be elected in a ward, are elected by acclamation at the election next after the passing of the by-law, the affected members so elected may at the first meeting of the new council agree as to which of them shall remain in office for a two-year term and which for a one-year term, and failing agreement the question shall be determined by lot cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.

(6) Where a by-law has been or is passed under sub-^{Local boards}section 1, the council may by by-law passed not later in the year than the 1st day of November provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* that is designated in the by-law shall, notwithstanding any general or special Act, be elected at the same time and hold office for the same term as the members of the council and, where the power conferred by this subsection is exercised in respect of any local board, all the elected members of such board in office when the by-law is passed cease to hold office at the end of the year in which the by-law is passed and subsection 3 or subsections 4 and 5 apply *mutatis mutandis*. ^{R.S.O. 1960, c. 98}

(7) A by-law under subsection 6 shall be passed not later in the year than the 1st day of November and, ^{Time for passing by-law under subs. 6}

(a) where the by-law under subsection 1 provides for biennial elections, shall be passed in the year in which the by-law under subsection 1 is passed or in any year in which a nomination meeting is to be held in respect of a biennial election;

(b) where the by-law under subsection 1 provides for the staggered system of elections, may be passed in the year in which the by-law under subsection 1 is passed or in any subsequent year. 1955, c. 48, s. 10, *part*.

(8) A by-law under subsection 1 and a by-law repealing such a by-law shall be passed not later in the year than the 1st day of November and a by-law providing for the staggered system of elections shall not be passed unless it has received the assent of the electors. 1955, c. 48, s. 10, *part*; 1956, c. 50, s. 4. ^{Time for passing by-law; assent of electors}

(9) Subject to section 54, where a by-law passed under subsection 1 is repealed, the members of the council and, where the power conferred by subsection 6 has been exercised, the elected members of any local board affected cease to hold office at the end of the year in which the repealing by-law is passed and an election shall be held for the members of council and of such local board for the ensuing year and thereafter as if the by-law had not been passed under subsection 1. 1955, c. 48, s. 10, *part*. ^{Repeal}

54.—(1) Notwithstanding any general or special Act, where a by-law providing for biennial elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for the staggered system of elections. ^{Change from biennial to staggered system}

Idem

(2) Where a by-law is passed under subsection 1, the members of the council and, where the power conferred by subsection 6 of section 53 has been exercised, the elected members of any local board affected cease to hold office at the end of the year in which the by-law is passed and subsections 4 and 5 of section 53 apply *mutatis mutandis*.

Change from
staggered to
biennial
system

(3) Notwithstanding any general or special Act, where a by-law providing for the staggered system of elections is in effect in a municipality, the council of the municipality may by by-law repeal such by-law and provide for biennial elections.

Idem

(4) Where a by-law is passed under subsection 3, the members of the council and, where the power conferred by subsection 6 of section 53 has been exercised, the elected members of any local board affected cease to hold office at the end of the year in which the by-law is passed and subsection 3 of section 53 applies *mutatis mutandis*. 1955, c. 48, s. 10, *part*.

Time for
passing of
by-law;
assent of
electors

(5) A by-law under subsection 1 or 3 shall be passed not later in the year than the 1st day of November and a by-law under subsection 1 shall not be passed unless it has received the assent of the electors. 1955, c. 48, s. 10, *part*; 1956, c. 50, s. 5.

Election to
be held in
municipality

55. Subject to subsection 3 of section 44 and to section 63, the election shall be held in the municipality. R.S.O. 1950, c. 243, s. 78.

Appoint-
ment of
places for
nomination
and polling,
deputy
returning
officers, etc.

56.—(1) The council of every local municipality in which the election is by wards or polling subdivisions shall from time to time appoint,

- (a) the places for holding the nominations for each ward;
- (b) a returning officer to hold the nomination for each ward;
- (c) the places at which polls shall be opened if a poll is required;
- (d) a deputy returning officer and a poll clerk for each polling place.

Election
officers, how
appointed in
cities over
100,000

(2) In a city having a population of not less than 100,000, the returning officers, deputy returning officers and poll clerks shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint another person to act in his place. Poll clerk refusing to act, etc.

(4) If a poll clerk does not attend at the opening of the poll, the deputy returning officer shall appoint another person to act in his place. Appointment of poll clerk by D.R.O.

(5) The council on the recommendation of the clerk may appoint such election assistants, not exceeding one for each polling place, as may be deemed necessary to assist the deputy returning officers and poll clerks in the conduct of the election, and every such assistant shall be authorized in writing to enter, remain and assist in any polling place during any part of the time the poll is open and at the counting of the votes. Election assistants
R.S.O. 1950, c. 243, s. 79.

57. Except as provided in section 492, the clerk shall be the returning officer for the whole municipality and, if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions. Clerk to be returning officer for whole municipality
R.S.O. 1950, c. 243, s. 80; 1955, c. 48, s. 11.

58.—(1) By-laws may be passed by local municipalities for dividing the municipality or, where the municipality is divided into wards, the wards into two or more polling subdivisions and for establishing one or more polling places in each polling subdivision. Polling subdivisions and places
R.S.O. 1950, c. 243, s. 81 (1).

(2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors and, where there are two or more polling places in a polling subdivision, each polling place shall be designated by the numbers of the lots and concessions or the numbers and names of the streets that designate the properties in respect of which the electors are qualified to vote therein, or by the initial letters of the surnames of the electors who are qualified to vote therein, that is to say, A to M and N to Z, or as the case may be. Polling places to be provided
R.S.O. 1950, c. 243, s. 81 (2); 1955, c. 48, s. 12; 1958, c. 64, s. 7.

(3) Every polling subdivision shall have well-defined boundaries and shall be formed in the most convenient manner so that the number of electors entitled to vote in each polling place shall as nearly as possible equal but not exceed 450, determined by the last revised assessment roll. Boundaries to be defined

(4) A polling subdivision shall not include territory in more than one electoral district. Polling subdivision to be in one electoral district

(5) Where the clerk finds that the number of electors in a polling subdivision or polling place exceeds 450, he shall notify the council of such fact. Where electors exceed 450

Redivision

(6) Where the number of electors in a polling subdivision or polling place exceeds 450 or where the council is of opinion that the convenience of the electors will be promoted, the council may make a redivision of the polling subdivisions or polling places so that the polling subdivisions and polling places will conform with this section.

When re-
division to
take effect

(7) When a polling subdivision or polling place is created or altered after the publication of the voters' lists, such creation or alteration shall not take effect until the next voters' lists are being prepared.

Sudvisions
to be
numbered

(8) The polling subdivisions shall be numbered consecutively and, where there is more than one polling place in a polling subdivision, such fact shall be indicated and a copy of the by-law by which they are established certified under the seal of the corporation and the hand of the clerk to be a true copy shall forthwith after the passing thereof be filed by the clerk in the office of the clerk of the peace for the county or district in which the municipality is situate.

Appeal

(9) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who has power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.

Election
not to be
voided if
subdivision
is wrongly
formed

(10) An election is not irregular or void or voidable for the reason that a polling subdivision that contains more than the prescribed number of electors has not been divided. R.S.O. 1950, c. 243, s. 81 (3-10).

Uniting
polling sub-
divisions

59. By-laws may be passed by the councils of local municipalities for uniting for any purpose any two adjoining subdivisions and establishing one polling place therefor. R.S.O. 1950, c. 243, s. 82.

Using
public and
separate
schools for
polling
places

60.—(1) By-laws may be passed by the councils of local municipalities for providing that either, or both, public and separate schoolhouses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such schoolhouse or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used.

(2) Where a schoolhouse is so used, the council shall forthwith pay to the board having control of the schoolhouse a sum sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use. Payment therefore

(3) No school shall be so used without the consent of the board having control of such school. Consent of school board

(4) The board of commissioners of police or the chief constable shall cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. R.S.O. 1950, c. 243, s. 83. Constable to attend each such polling place

61. In any local municipality where difficulty arises in obtaining a suitable polling place in any polling subdivision, by-laws may be passed by the council of the municipality for providing a polling place for the polling subdivision in an adjoining polling subdivision. 1951, c. 53, s. 7. Polling places

62. Where a polling place has been appointed for holding an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building that is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places nearby, directing the voters to the place so selected. R.S.O. 1950, c. 243, s. 85. In certain cases clerk may choose polling place

63. The council of a township in which an urban municipality is situate may fix the place of polling for any adjoining subdivision within the limits of the urban municipality. R.S.O. 1950, c. 243, s. 86. Place of polling

64.—(1) In a local municipality that is not divided into polling subdivisions, the clerk or such person as the council may appoint to act in the absence of the clerk through illness or otherwise shall be the returning officer for the nomination of candidates. Returning officer where election not by polling subdivisions

(2) The council shall from time to time appoint the place at which the poll shall be opened if a poll is required. R.S.O. 1950, c. 243, s. 87. Polling place

65.—(1) Where a by-law to appoint the place for holding any meeting required to be held for the nomination of candidates is necessary and the council fails to pass it, the meeting shall be held at the place at which the nomination for the next preceding election was held. Place for nomination and polling where council fails to fix places

Idem

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. R.S.O. 1950, c. 243, s. 88.

Refusal or neglect of returning officer or deputy returning officer to perform his duties

66.—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters' lists and other election papers, the clerk shall appoint another person to act in his place.

When electors may choose returning officer

(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

Deputy returning officer not attending at poll

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters' lists and other election papers.

When poll clerk to act as deputy

(4) In a city having a population of not less than 100,000, a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk.

Where returning officer or deputy is unable to perform his duties

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. R.S.O. 1950, c. 243, s. 89.

Returning officers and deputy returning officers to be conservators of the peace

67.—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and has all the powers of a justice of the peace.

Arrest of person disturbing peace

(2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person whom he on reasonable and probable

grounds believes to have contravened clause *g* of section 130, or who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the peace in the performance of his duties under this subsection. R.S.O. 1950, c. 243, s. 90.

68. A returning officer, a deputy returning officer or a justice of the peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may deem necessary, and any person liable to serve as constable and required by a returning officer, a deputy returning officer or a justice to be sworn in as a special constable, if he refuses to be sworn in or to serve, is guilty of an offence and on summary conviction is liable to a fine of \$20. R.S.O. 1950, c. 243, ss. 91, 493.

BALLOT BOXES

69.—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions.

Ballot boxes
to be fur-
nished

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box.

How made

(3) At least two days before polling day, the clerk shall deliver a ballot box to every deputy returning officer.

Delivery
to deputy
returning
officers

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections, and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions.

Clerk to
preserve
boxes for
future
elections

(5) If the clerk fails to provide the ballot boxes, he is guilty of an offence and on summary conviction is liable to a fine of \$100 in respect of every ballot box that he fails to provide.

Offence

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the cost to the deputy returning officer. R.S.O. 1950, c. 243, ss. 92, 493.

Deputy
returning
officers to
procure
boxes when
not supplied

BALLOT PAPERS

70. Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. R.S.O. 1950, c. 243, s. 93.

Ballot
papers to
be printed

Ballot
papers,
where
election is
by wards

71.—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve, or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward.

where
aldermen or
councillors
elected by
general
vote

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors.

for town-
ships and
villages

(3) In villages and townships, there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors.

for con-
trollers, etc.

(4) There shall also be separate sets of ballot papers for controllers and public utility commissioners.

In towns,
villages and
townships

(5) In a town, the council may by by-law provide that the ballot papers for mayor, reeve and deputy reeve shall be prepared in separate sets and, in a village or township, the council may by by-law provide that the ballot papers for reeve, deputy reeve and councillors shall be prepared in separate sets.

When
by-laws to
be passed

(6) A by-law for the purposes mentioned in subsection 5 shall be passed not later in the year than the 1st day of November and remains in force until repealed, and while in force the ballot papers (Form 3, 5 or 6) shall be varied accordingly. R.S.O. 1950, c. 243, s. 94.

Form of
ballot
papers

72.—(1) The ballot papers shall be according to Form 3, 5 or 6, and shall contain the names of the candidates arranged alphabetically in the order of their surnames or, if there are two or more candidates for the same office with the same surname, in the order of their given names.

Form of
ballot
papers
in certain
cities

(2) In cities having a population of not less than 200,000, the ballot papers shall be according to Form 4 and shall contain the names of the candidates arranged as set forth in subsection 1.

Power to
vary

(3) In any municipality, the form of any ballot paper may by by-law be varied by stating in respect of each office the number of candidates for such office for which the voters are entitled to vote. R.S.O. 1950, c. 243, s. 95.

73.—(1) In place of using separate ballot papers under this Act, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of composite ballot papers in such form as the by-law prescribes which shall contain the names of the candidates for each office arranged alphabetically in the order of their surnames or, if there are two or more candidates for the same office with the same surname, in the order of their given names. 1955, c. 48, s. 13, *part*; 1960, c. 69, s. 4 (1). Composite
ballot
papers
authorized

(2) A composite ballot may contain,

Contents

(a) the names of candidates for the offices of a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality or any one or more of such offices; and

(b) any municipal question or by-law on which a vote is to be taken.

(3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote. 1955, c. 48, s. 13, *part*. Idem

74. In place of using ballot papers under this Act, with the approval of the Department, the council of a local municipality may by by-law authorize the use at a municipal election or by-election of voting machines for one or more polling subdivisions. 1955, c. 48, s. 13, *part*. Voting
machines

POLLING PLACES

75. Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and shall furnish him with the materials necessary to enable voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. R.S.O. 1950, c. 243, s. 96. Clerk to
furnish
deputy
returning
officers with
ballot
papers, etc.

76. Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation and, if it is not provided by the corporation, the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 69. R.S.O. 1950, c. 243, s. 97. Compartment
for
marking
ballots

DIRECTIONS TO VOTERS

Directions
to voters to
be printed

77. The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters (Form 7), for the purposes of election, and shall deliver to every deputy returning officer as many of the printed directions, but not less than five, as the clerk may deem sufficient. R.S.O. 1950, c. 243, s. 98.

Deputy
returning
officers to
placard the
directions

78. Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if they were not received before opening the poll, shall cause them to be placarded outside the polling place, and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R.S.O. 1950, c. 243, s. 99.

VOTERS' LISTS, POLL BOOKS

Proper
voters' list
to be used at
an election
R.S.O. 1960,
c. 420

79. The proper list of voters to be used at an election is the last municipal voters' list certified under *The Voters' Lists Act* with the supplementary list, if any, under section 81 or the list provided for by section 82. R.S.O. 1950, c. 243, s. 100; 1954, c. 56, s. 8.

For first
election in
new municip-
ality

80. For the first election in a new municipality for which there is no assessment roll, the clerk instead of a voters' list shall provide every deputy returning officer with a poll book (Form 8), and the deputy returning officer or the poll clerk shall enter in it in the proper column the name of every person who tenders his vote and, at the request of any candidate or voter, shall note opposite the name of such person the property in respect of which he claims to be entitled to vote. R.S.O. 1950, c. 243, s. 101.

Voters'
lists on
formation
of new cor-
poration,
etc.

81.—(1) Where the whole or any part of a municipality, or locality without municipal organization, has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in the municipality annexed or such part of a municipality, locality, territory or for the new town or village is certified, the clerk of the municipality to which the same was added and, in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality annexed, or of the municipality from which such part of a municipality, locality, territory, town or village was or became detached, a supplementary list of

voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in the municipality annexed and in such part of a municipality, locality or territory if it had not been so detached. 1955, c. 48, s. 14.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. R.S.O. 1950, c. 243, s. 102 (2). Clerk's duties as to supplementary lists

82. In a municipality for which there is an assessment roll, but for which there is no voters' list certified, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. R.S.O. 1950, c. 243, s. 103. Voters' list, when clerk to prepare

LIST OF DEFAULTERS IN PAYMENT OF TAXES

83.—(1) In municipalities, the councils of which have passed by-laws under paragraph 51 of subsection 1 of section 379, the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall, on or before the day fixed for nomination at the election, prepare and verify by his declaration and deliver to the clerk an alphabetical list of all persons entered on the voters' list whose taxes in respect of land are overdue and unpaid. R.S.O. 1950, c. 243, s. 104 (1); 1955, c. 48, s. 15; 1958, c. 64, s. 8. Preparation of list of defaulters

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision. List to be made for each polling subdivision

(3) The person who prepares the defaulters' list shall furnish to all persons applying for the same certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. R.S.O. 1950, c. 243, s. 104 (2, 3). Certified copies to be furnished

[NOTE.—See section 40 as to effect of default and payment of taxes before voting.]

84.—(1) The clerk, before the poll is opened, shall at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together Delivery of copies of voters' list, poll book and defaulters' list to D.R.O.

with a blank poll book (Form 8), and also a copy of the proper defaulters' list prepared under section 83 for the polling subdivision.

Copies may be prepared by clerk of municipality or procured from clerk of peace

(2) The list of voters may be prepared by the clerk or may be procured from the clerk of the peace, and in the latter case the clerk of the peace is entitled to 6 cents for every ten voters whose names are on the list. R.S.O. 1950, c. 243, s. 105.

CERTIFICATES AS TO THE ASSESSMENT ROLL

Clerk to give certificate of dates of final revision of assessment roll, etc.

85.—(1) The clerk, before the poll is opened, shall deliver to every deputy returning officer a certificate (Form 9) of,

(a) the date of the return of the assessment roll upon which the voters' list is based; and

(b) the last day for making complaints to the judge with respect to the voters' list to be used at the election. R.S.O. 1950, c. 243, s. 106 (1); 1951, c. 53, s. 8.

Fee for certificate

(2) The clerk shall also give to any person applying for it a like certificate upon payment of 25 cents.

Offence

(3) For every contravention of subsection 2, the clerk is guilty of an offence and on summary conviction is liable to a fine of \$200. R.S.O. 1950, c. 243, ss. 106 (2, 3), 493.

IN MUNICIPALITIES WITHOUT POLLING SUBDIVISIONS

In municipalities not divided into polling subdivisions, clerk to perform duties of deputy returning officers

86. In municipalities not divided into polling subdivisions, the clerk shall perform the duties that in other cases are performed by deputy returning officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the return of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list, and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. R.S.O. 1950, c. 243, s. 107; 1952, c. 63, s. 7.

WHERE AND HOW OFTEN ELECTORS MAY VOTE

Number of votes that may be given by each elector

87.—(1) An elector is entitled to vote,

(a) once only for mayor, controller, reeve, deputy reeve;

(b) where the election is by general vote, once only for as many candidates for any office as there are offices to be filled, and once only for each of them. R.S.O. 1950, c. 243, s. 108 (1); 1954, c. 56, s. 9.

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision, ^{Where election by general vote} he shall vote only in that in which he resides if qualified to vote there or, if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only.

(3) Where the aldermen or councillors are elected by wards, ^{Where aldermen, etc., elected by wards} an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. R.S.O. 1950, c. 243, s. 108 (2, 3).

88.—(1) The clerk, at the request of an elector who has been appointed deputy returning officer, poll clerk, special constable or agent of a candidate, for any polling place other than the one at which he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during polling day, and the certificate shall state the property or other qualification in respect of which he is entitled to vote. ^{Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed}

(2) On the production of the certificate, such elector has the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise be entitled to vote, and the deputy returning officer shall attach the certificate to the voters' list. ^{Right to vote on production of certificate}

(3) The certificate does not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, special constable or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote. ^{Certificate only to entitle officials who act}

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk or, in his absence, any elector entitled to be present may administer to the deputy returning officer the oath required by law to be taken by voters. ^{Who to administer oath} R.S.O. 1950, c. 243, s. 109.

THE POLL

89.—(1) Subject to subsection 2, the poll shall be opened at every polling place at 9 o'clock in the forenoon and shall be kept open until 5 o'clock in the afternoon of the same day. ^{Time for opening and closing poll}

(2) The council of a municipality may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between 8 o'clock in the forenoon and 9 o'clock in the afternoon and any such by-law remains in force from year to year until repealed. ^{Idem}

By-election (3) In the case of a by-election to fill a vacancy in the office of a member of a council, a by-law for the purposes set out in subsection 2 may be passed at least six days before the day of nomination at such by-election.

Vote by ballot (4) The votes shall be given by ballot. R.S.O. 1950, c. 243, s. 110.

Advance poll **90.**—(1) A by-law may be passed by the council of a local municipality for providing advance polls for the purpose of receiving the votes of voters who expect to be absent from the municipality, or confined in a hospital, or of election officials who in carrying out their duties as election officials will be unable to attend the poll at which they are entitled to vote, on the day fixed for polling. 1955, c. 48, s. 17 (1); 1956, c. 50, s. 6.

By-law (2) A by-law passed under subsection 1 remains in force from year to year until repealed, and must be passed at least sixty days before the day fixed for polling.

Time of poll (3) Polls for receiving the votes of such voters shall be held and kept open for such times and on such days as may be provided in the by-law.

Application of Act (4) Except as otherwise provided, all the provisions of this Act as to proceedings prior to the holding of the poll and at the poll, and after the closing of the poll, apply.

Poll book for each ward (5) In a municipality where the election is to be held by wards, there shall be a separate poll book for each ward.

Deputy returning officer (6) In a municipality where the election is by general vote, the clerk or some other person appointed by him shall act as deputy returning officer and, in a municipality where the election is by wards, the clerk may act as deputy returning officer for one or more wards or may appoint one or more persons to act as deputy returning officers for one or more wards, and may also appoint as many poll clerks as there are deputy returning officers, and may fix one or more polling places.

Notice of polls (7) Notice of the times and places at which polls will be opened shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed and in conspicuous places in the municipality and, where possible, by advertisement in a newspaper published or circulated in the municipality. 1952, c. 63, s. 8, *part.*

Declaration by voter (8) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the

deputy returning officer to make one of the following declarations which shall be kept by the deputy returning officer with the other records of the poll:

- Polling Place.....
- I,, declare that I
- (a) expect to be absent from the municipality of.....; or
- (b) as an election official will be unable to attend the poll at which I am entitled to vote; or
- (c) expect to be confined in a hospital, on the day fixed for polling.

Dated at.....
this.....day of
....., 19.....

Witness:

Signature of Voter

Deputy Returning Officer

Address of Voter

1957, c. 76, s. 9.

(9) Every person who signs any such declaration knowing that any statement therein is false is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$100. R.S.O. 1950, c. 243, s. 493; 1952, c. 63, s. 8, *part*.

(10) No person is entitled to vote unless his name appears on the last revised voters' list for the municipality. Qualification of voter

(11) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the oath to be administered to a voter under this Act. Oath

(12) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes under this section a note that he has made the declaration mentioned in subsection 8 and the number of the polling subdivision, if any, in which he is entered on the voters' list. Record of declaration

(13) At the close of the poll each day, the deputy returning officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballots be deposited in it without breaking the seals. Fixing of seals

(14) At the close of the poll each day, the deputy returning officer shall forthwith make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. 1952, c. 63, s. 8, *part*. List of persons voting

Noting
deputy
returning
officers'
lists or
certificate
as to voters

(15) Upon receiving from the deputy returning officer the list mentioned in subsection 14, the returning officer shall,

- (a) make an entry in the voters' list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote; or
- (b) make a certificate (Form 11) for each polling subdivision, showing the name and address of each voter listed on the voters' list for such polling subdivision who has voted at an advance poll, and shall furnish such certificate before the opening of the poll on voting day to the deputy returning officer of the polling subdivision, and the deputy returning officer shall before opening the poll make an entry in the voters' list supplied to him, opposite the name of each voter whose name appears on the certificate, showing that such voter has polled his vote. 1954, c. 56, s. 10.

Opening
ballot box
and counting
ballots

(16) On the day fixed for holding the general poll at the election, the deputy returning officer at the polling place shall, in the presence of such candidates and their agents as may be present at the hour fixed for the closing of the general poll, open the ballot box, count the votes and perform all the other duties required of a deputy returning officer by this Act with respect to the votes polled under this section. 1952, c. 63, s. 8, *part*.

Application
of section

(17) This section applies to an election or by-election for a council, board of education, school board, public utility commission or other board, commission or body the members of which are required to be elected by the electors of the municipality and to voting on any by-law and question submitted to the electors under the authority of this or any other general or special Act. 1955, c. 48, s. 17 (3).

Special
poll for
soldiers'
hospitals

91.—(1) Where in any municipality there is situate a home, hospital or other institution for the reception, treatment or vocational training of disabled nursing sisters, officers and men who were on active service with the naval or military forces of Great Britain or her allies, the council may by by-law declare any such home, hospital or institution to be a polling place for the purpose of elections and a poll shall be held in each such place and all patients therein who are electors of the municipality are entitled to vote at such poll.

Ballot in
certain
cases

(2) When any such patient is bed-ridden or unable to walk, it is lawful for the deputy returning officer and poll clerk to attend upon such patient for the purpose of receiving his ballot. R.S.O. 1950, c. 243, s. 112 (1, 2).

(3) Subsections 4, 5, 6, 10 and 11 of section 90 apply and the clerk of the municipality may cause all things to be made, done and provided for the purpose of holding such poll and ensuring the proper conduct of the election thereat in compliance as nearly as may be with the provisions of this Act respecting elections. R.S.O. 1950, c. 243, s. 112 (3); 1955, c. 48, s. 18.

92. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under section 107. R.S.O. 1950, c. 243, s. 113; 1955, c. 48, s. 19.

93.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows:

- (a) Except where there is no voters' list, he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision and is not entered upon the defaulters' list. R.S.O. 1950, c. 243, s. 114 (1), cl. (a).
- (b) He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification and residence of such person. R.S.O. 1950, c. 243, s. 114 (1), cl. (b); 1956, c. 50, s. 7.
- (c) Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*", and the name of the candidate by or on behalf of whom the objection was made.
- (d) If such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book, the word "*Sworn*", or "*Affirmed*", according to the fact.
- (e) Where such person has been required to take the oath and refuses to do so, the deputy returning officer

Application
of s. 90

Deputy
returning
officer to
show box
empty to
persons
present and
then lock
and seal it

Proceedings
by deputy
returning
officer on
tender of
vote

Name

Recording

Objection

Oath

Refusal
to take
the oath

shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words "*Refused to be sworn*", or "*Refused to Affirm*", according to the fact.

Deputy
returning
officer to
initial
ballot paper
and mark
voters' list

- (f) After the proper entries have been made in the poll book, the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper.

Delivery of
ballot
to voter

- (g) The ballot paper shall then be delivered to such person.

Deputy
returning
officer to
explain mode
of voting

- (h) The deputy returning officer may, and upon request shall, either personally or through the poll clerk explain to the voter, as concisely as possible, the mode of voting. R.S.O. 1950, c. 243, s. 114 (1), cls. (c-h).

Offence

- (2) The vote of a person who has refused to take the oath shall not be received and, if the deputy returning officer receives such vote or causes it to be received, he is guilty of an offence and on summary conviction is liable to a fine of \$200. R.S.O. 1950, c. 243, ss. 114 (2), 493.

Voter who
alleges he
has been
imperson-
ated

94.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter or where an entry has been made on the voters' list in error that such voter has polled his vote, he is entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Note of
second
ballot to be
entered in
poll book

- (2) The deputy returning officer shall enter or cause to be entered on the poll book opposite the name of the voter a note of his having voted on a second ballot or of an entry having been made in the voters' list in error that he has polled his vote, as the case may be. 1957, c. 76, s. 10.

Oath, etc.,
of person
claiming
to vote

95.—(1) The only oath to be required of a person claiming to vote shall be according to Form 12.

Voter may
select any
form of
oath

- (2) The voter is entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it.

When and
how oaths
are to be
adminis-
tered

- (3) The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter except with respect to

the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. R.S.O. 1950, c. 243, s. 115.

96. The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. R.S.O. 1950, c. 243, s. 116.

Deputy
returning
officer to
initial
names of
persons
voting

97.—(1) Upon receiving the ballot paper, the person receiving it shall,

Marking
ballot paper

- (a) forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division that contains the name of such candidate;
- (b) then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;
- (c) then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) then deliver the ballot paper so folded to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place, and the voter shall forthwith leave the polling place. R.S.O. 1950, c. 243, s. 117.

Duties of
D.R.O. on
receipt of
ballot

98. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment or to be in a position from which he can see how the voter marks his ballot paper. R.S.O. 1950, c. 243, s. 118.

Exclusion
from ballot-
ing compart-
ment

99. A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking it out of the polling place and, if he leaves the polling

Voter not
to take his
ballot paper
from polling
place

place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote, he thereby forfeits his right to vote and the deputy returning officer shall make an entry in the poll book in the column for "*Remarks*" to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot paper and shall preserve it. R.S.O. 1950, c. 243, s. 119.

Proceedings
in case of
incapacity
to mark
ballot
paper

100.—(1) The deputy returning officer on the application of a voter who is incapacitated by physical cause other than blindness from marking his ballot paper, or who makes a declaration (Form 13) that he is unable to read, or where the voting is on a Saturday that he is of Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 97, shall,

- (a) in the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box;
- (b) make an entry opposite the name of the voter in the proper column of the poll book that his vote was marked in pursuance of this section, and of the reason why it was so marked.

Oral dec-
laration

(2) Where the voter objects on religious grounds to mark his ballot paper, the declaration may be made orally.

Voter in-
capacitated
by blindness,
etc.

(3) The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall require the voter making such application to make a declaration (Form 13) of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates, or of the sworn electors representing the candidates in the polling place and of no other person, and place such ballot in the ballot box.

Blind
voter's ballot
marked by
friend

(4) The deputy returning officer shall either deal with a blind voter in the same manner as with an illiterate or otherwise incapacitated voter, or, at the request of any blind voter who has made the declaration (Form 13) and is accompanied by a friend, shall permit such friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

(5) Any friend who is permitted to mark the ballot of a blind voter as aforesaid shall first be required to make a declaration (Form 14) that he will keep secret the name of the candidate for whom the ballot of such blind voter is marked by him, and no person shall at any polling place be allowed to act as the friend of more than one blind voter.

(6) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why such ballot paper was marked by him or by a friend of the voter.

(7) Where a voter has made the declaration (Form 13) of his inability to read, the deputy returning officer shall complete and subscribe to the certificate (Form 15). R.S.O. 1950, c. 243, s. 120.

101. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first-mentioned ballot paper, and preserve it. R.S.O. 1950, c. 243, s. 121.

102. A person who applies for a ballot paper shall be deemed to have tendered his vote, and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the deputy returning officer or poll clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. R.S.O. 1950, c. 243, s. 122.

103. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate or, in his absence, his agent, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes. R.S.O. 1950, c. 243, s. 123.

104. A candidate is entitled to one agent only in a polling place at any one time. R.S.O. 1950, c. 243, s. 124.

105.—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate.

Offence

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20. R.S.O. 1950, c. 243, ss. 125, 493.

Persons inside polling place

106. Every person qualified to vote thereat who is inside the polling place at the time fixed for closing the poll is entitled to vote. R.S.O. 1950, c. 243, s. 126.

PROCEEDINGS AFTER THE CLOSE OF THE POLL

Counting the votes

107. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form: "*I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that.....was the last person who voted at this polling place*", to be entered in the poll book on the line immediately below the name of the voter who voted last, and the certificate shall be signed by the deputy returning officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1950, c. 243, s. 127.

What votes to be rejected

108.—(1) In counting the votes, the deputy returning officer shall reject all ballot papers,

- (a) that have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or
- (c) upon which there is any writing or mark by which the voter can be identified, or that has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified,

but no word, letter or marks written or made or omitted to be written or made by the deputy returning officer on a ballot paper avoids it or warrants its rejection.

Counting votes where ballot paper relates to two or more offices

(2) Where on a ballot paper that contains the names of candidates for more than one office votes are given for more candidates for any office than are to be elected, the ballot is void as regards all the candidates for such office but is good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected. R.S.O. 1950, c. 243, s. 128.

(3) Where on a composite ballot paper,

Composite
ballots

(a) votes are given for more candidates for any office than are to be elected; or

(b) votes are given for the affirmative and negative on any by-law or question,

the vote is void as regards the candidates for such office or as regards the by-law or question, as the case may be, but does not affect the votes for any other offices, by-laws or questions in respect of which a vote is correctly indicated. 1955, c. 48, s. 20.

109.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper by a candidate or his agent and shall decide the objection subject to review on re-count or in a proceeding questioning the validity of the election.

Objections
to be noted
and decided

(2) Each objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer. R.S.O. 1950, c. 243, s. 129.

Numbering
objections

110.—(1) All the ballot papers except those rejected shall be counted, and an account shall be kept of the number of votes given and allowed for each candidate, and all the ballot papers shall be put into separate packets as follows:

Procedure on
counting
ballot papers
and notes
and placing
ballot papers
into packets

(a) all the used ballot papers that have not been objected to and have been counted;

(b) all the used ballot papers that have been objected to, but which have been counted;

(c) all the rejected ballot papers;

(d) all the cancelled ballot papers;

(e) all the ballot papers used but unmarked;

(f) all the declined ballot papers;

(g) all the unused ballot papers.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. R.S.O. 1950, c. 243, s. 130.

Each packet
to be
endorsed
and sealed

111.—(1) The deputy returning officer shall make out a statement in duplicate of,

Statement
of result to
be made by
deputy
returning
officer

(a) the number of ballot papers received from the clerk;

- (b) the number of votes given for each candidate and the rejected ballot papers;
- (c) the used ballot papers that have not been objected to and have been counted;
- (d) the ballot papers that have been objected to, but which have been counted by the deputy returning officer;
- (e) the rejected ballot papers;
- (f) the cancelled ballot papers;
- (g) the ballot papers used but unmarked;
- (h) the declined ballot papers;
- (i) the unused ballot papers;
- (j) the number of voters whose ballot papers have been marked by the deputy returning officer under section 100.

Disposal of
statement

(2) One statement shall be attached to the poll book and the other shall be enclosed in a special packet and delivered to the clerk.

Signing of
statement

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their agents as are present and desire to sign it.

Certificate
of result
of poll

(4) The deputy returning officer shall deliver to such of the candidates or their agents as are present, if requested to do so, a certificate of the number of ballot papers counted for each candidate, and of the rejected ballot papers. R.S.O. 1950, c. 243, s. 131.

Oath of
poll clerk

112. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe an oath similar to that required by subsection 3 of section 114 to be taken by the deputy returning officer. R.S.O. 1950, c. 243, s. 132.

Poll book,
etc., to be
placed in
ballot box

113.—(1) The poll book, the voters' list, the packets containing the ballot papers, and all other documents that served at the election shall be placed in the ballot box, except,

- (a) the duplicate statement;
- (b) the oath of the deputy returning officer, Form 17;
- (c) the oath of the poll clerk, Form 17 or similar oath; and
- (d) the oath of the person, if any, chosen to deliver the ballot box to the clerk, Form 16. R.S.O. 1950, c. 243, s. 133.

(2) Where the documents referred to in subsection 1 are in error placed in the ballot box or where the statement cannot be interpreted by the returning officer, the returning officer may open such ballot box or boxes in the presence of the deputy returning officer concerned and, after having recovered or ascertained the statement, as the case may be, the box shall be resealed by the deputy returning officer in the presence of the returning officer. 1960, c. 69, s. 5.

Opening of
box where
documents
placed in
box in
error

114.—(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may also affix to it his seal and the deputy returning officer shall then forthwith deliver it personally to the clerk or, if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him the oath (Form 16).

Delivery of
ballot box
to clerk

(2) In cities and towns, the deputy returning officer or, in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath (Form 16), and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him.

Return of
ballot boxes,
etc., in
cities and
towns

(3) Forthwith thereafter, the deputy returning officer shall take and subscribe the oath (Form 17), and shall personally deliver it or transmit it by registered mail to the clerk. R.S.O. 1950, c. 243, s. 134.

Oath of
D.R.O.

115. The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. R.S.O. 1950, c. 243, s. 135.

Duties of
clerk as to
ballot box

116. A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any

D.R.O. not
to take
ballot box
to his home

house or place except the office of the clerk. R.S.O. 1950, c. 243, s. 136.

Return by
D.R.O. when
election in-
terrupted

117. Where the holding of the election has been interrupted, as mentioned in section 120, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. R.S.O. 1950, c. 243, s. 137.

Clerk to
cast up
votes and
declare what
candidates
elected

118. The clerk, after he has received the ballot boxes and other documents referred to in section 113, including the duplicate statements of the number of votes given by each polling place, without opening any of the ballot boxes, shall cast up from such duplicate statements the number of votes for each candidate and at the town hall or, if there is no town hall, at some other public place, at noon on the second day following the day on which the polling is held, shall publicly declare to be elected the candidate or candidates having the highest number of votes, and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. 1955, c. 48, s. 21.

Tie vote,
recount
necessary

119.—(1) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate and shall forthwith notify a judge of the county or district court of the county or district in which the municipality is situate of the result and the judge shall thereupon appoint a time and place to recount the votes cast for such candidates.

Procedure

(2) In such proceedings, sections 121 and 122 apply *mutatis mutandis*.

When clerk
to have cast-
ing vote

(3) If the certificate of the result of the recount shows that the candidates still have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election. R.S.O. 1950, c. 243, s. 139.

ELECTION NOT HELD AT PROPER TIME, ETC.

Election
not com-
menced, or
interrupted
by reason of
riot, etc., to
be resumed

120. If, by reason of a riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election on the following day at the hour of 9

o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. R.S.O. 1950, c. 243, s. 140.

[As to postponement of an election on account of an epidemic or contagious disease, see *The Public Health Act*, R.S.O. 1960, c. 321.]

RECOUNT

121.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate that a deputy returning officer, in counting the votes, has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes, and if within that time the applicant has given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge, or if at any time within four weeks after such declaration in a local municipality the council has by resolution declared that a recount or re-addition is desirable in the public interest, the judge shall appoint a time and place to re-count or re-add the votes cast at the election. R.S.O. 1950, c. 243, s. 141 (1); 1955, c. 48, s. 22 (1).

(2) In all cases of a recount or re-addition of the ballots cast for candidates elected by general vote in a local municipality divided into wards, the judge may order that the recount or re-addition shall be conducted separately in each ward, and for that purpose may appoint for any ward, as his deputy, another judge or a barrister of at least ten years standing at the bar of Ontario to re-count or re-add the votes cast at the election in such ward and a time and place for such recount or re-addition to be held, and every such deputy shall, for all the purposes of the recount or re-addition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter set out in this section. R.S.O. 1950, c. 243, s. 141 (2); 1955, c. 48, s. 22 (2).

(3) At least two days notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk or an assistant clerk appointed for the purpose shall attend the recount or re-addition with the ballot boxes and all documents relating to the election.

Who may
attend

(4) The judge, the clerk, the assistant clerk and each candidate and his agent appointed to attend the recount or re-addition, but no other person, except with the sanction of the judge is entitled to be present at the recount.

Which bal-
lots to be
re-added or
re-counted

(5) The recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected or in other cases of the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be re-counted or re-added.

Making re-
addition or
recount

(6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or re-count all the ballot papers received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purpose of the recount open the sealed packets containing the used ballot papers that were not objected to and were counted, the ballot papers that were objected to but which were counted, the rejected ballot papers, the cancelled ballot papers, the ballot papers that were used but were unmarked, the declined ballot papers and the unused ballot papers.

Proceedings
to be con-
tinuous

(7) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between 6 o'clock in the afternoon and 9 o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for their security.

Procedure
as at close
of poll

(8) Subject to subsection 9, the judge shall proceed according to the provisions for the counting of the ballot papers and the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence
may be
taken

(9) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers.

Judge's
certificate
of result

(10) Upon the completion of the recount, the judge shall seal up all the ballot papers in their separate packets and upon the completion of a re-addition he shall seal up the original

statements in their respective packets, and shall forthwith certify the result of the recount or re-addition to the clerk.

(11) Upon the result of the recount or readdition being certified to him, the clerk shall declare elected the candidate so certified as having the highest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 118, if it is different from such prior declaration. Clerk's declaration of result

(12) Nothing in this section affects any remedy that any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. Other remedies not affected
R.S.O. 1950, c. 243, s. 141 (3-12).

122.—(1) The costs of the recount are in the discretion of the judge who may order by whom, to whom and in what manner the costs shall be paid. Costs

(2) The judge may in his discretion award costs of the recount or re-addition to or against any candidate and may fix the amount thereof or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court. Amount or scale of costs

(3) Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary. Deposit, disposal

(4) Payment of the costs may be enforced by execution to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. Recovery of costs

(5) The judge is entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him to recount the votes. R.S.O. 1950, c. 243, s. 142. Expenses of judge attending at recount

SECRECY OF PROCEEDINGS

123.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting. Maintaining secrecy of proceedings

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted. Interference with voters

(3) No person shall communicate any information obtained at a polling place as to how a voter at such polling place is about to vote or has voted. R.S.O. 1950, c. 243, s. 143. Communicating information as to how voter has voted

Inducing
voter to
display
ballot after
marking

124. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person how he has voted. R.S.O. 1950, c. 243, s. 144.

Voter not
to display
marked
ballot

125. Subject to section 100, a voter shall not show his ballot paper, when marked, to any person so as to make known how he voted. R.S.O. 1950, c. 243, s. 145.

Oath of
secrecy

126. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 18). R.S.O. 1950, c. 243, s. 146.

Proceedings
where
officers
aware of
violation
of secrecy

127.—(1) If a returning officer, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown attorney.

Crown
attorney to
prosecute

(2) The Crown attorney on receiving such information from any person shall forthwith inquire into the matter and, if proper, prosecute the offender. R.S.O. 1950, c. 243, s. 147.

No one
compellable
to disclose
his vote

128. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. R.S.O. 1950, c. 243, s. 148.

GENERAL

Returning
officers, etc.,
wilfully
falsifying
or altering
list of
voters to
incur
penalty

129. Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters' list or poll book, who wilfully makes any alteration or insertion in or wilfully omits anything from or in any way wilfully falsifies such voters' list or poll book, is guilty of an offence and on summary conviction is liable to a fine of \$2,000 and is also liable to imprisonment for a term of not more than one year. R.S.O. 1950, c. 243, ss. 149, 493.

Offences
relating
to ballot
papers

130. Every person who,

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) without due authority supplies a ballot paper to any person; or

- (c) fraudulently places in a ballot box a paper other than the ballot paper that he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) applies for a ballot paper in the name of another person whether the name be that of a person living or dead or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or
- (h) being a deputy returning officer, contravenes section 116, or fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) being employed to print the ballot papers for an election, with fraudulent intent, prints more ballot papers than he is authorized to print; or
- (k) attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section,

is guilty of an offence and if, a returning officer, deputy returning officer or other officer engaged in the election, on summary conviction is liable to imprisonment for a term of not more than two years, and, in the case of any other person, to imprisonment for a term of not more than six months. R.S.O. 1950, c. 243, ss. 150, 493.

131.—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a warrant for holding an election, a poll book, voters' list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them,

Persons unlawfully destroying, etc., documents relating to elections, etc.

shall incur a penalty of \$2,000, and shall also be liable to imprisonment for a term of not more than one year.

Abettors
punishable

(2) Every person who aids, abets, counsels or procures the commission of a contravention of subsection 1 shall incur the like penalty and be subject to the like imprisonment.

Recovery
of penalty

(3) The pecuniary penalty is recoverable by action at the suit of Her Majesty, and the imprisonment may be directed by the court in which the action is brought. R.S.O. 1950, c. 243, s. 151.

D.R.O.
omitting
to initial
ballots

132.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election is guilty of an offence and on summary conviction is liable to a fine of \$10 in respect of every such ballot paper.

D.R.O. or
poll clerk
neglecting
duties

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 107 to 115 is guilty of an offence and, for each refusal or neglect, on summary conviction is liable to a fine of \$200. R.S.O. 1950, c. 243, ss. 152, 493.

Wilfully
miscounting
ballots, etc.

133. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll is guilty of an offence and on summary conviction is liable to a fine of \$200. R.S.O. 1950, c. 243, ss. 153, 493.

Penalty for
violating
secrecy

134. Every person who acts in contravention of sections 123 to 125 is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than six months. R.S.O. 1950, c. 243, ss. 154, 493.

Money
penalty for
offences

135. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person who may be aggrieved thereby the sum of \$400. R.S.O. 1950, c. 243, s. 155.

MISCELLANEOUS PROVISIONS

Candidate
may under-
take duties
of an agent

136. A candidate may undertake the duties that his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present, but no candidate shall be present at the marking of a ballot paper under section 100 and no candidate shall be present in a polling place at the counting of the votes if his agent is in the polling place. R.S.O. 1950, c. 243, s. 156; 1951, c. 53, s. 9.

137. Except where otherwise provided, any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under *The Interpretation Act* an oath may be administered. R.S.O. 1950, c. 243, s. 157.

Who may administer oaths re election
R.S.O. 1960, c. 191

138.—(1) The clerk shall retain in his possession for six weeks all the ballot papers, and, unless otherwise directed by an order of a judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

Ballot papers, how disposed of

(2) The declaration shall be made before the head of the municipality and filed in the office of the clerk. R.S.O. 1950, c. 243, s. 158.

Declaration

(3) Subject to subsection 1, the clerk shall retain in his possession all oaths, statements of the vote and other documents relating to an election until the successors to the persons elected at such election have taken office, and shall then destroy them. 1959, c. 62, s. 5.

Disposal of documents relating to election

139.—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a judge or an officer having jurisdiction to inquire as to the validity of the election.

Ballot papers to be inspected only by order of a judge

(2) The order may be made on the judge or officer being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.

Grounds for granting order

(3) The order may be made subject to such conditions as the judge or officer may deem proper. R.S.O. 1950, c. 243, s. 159.

Order may be subject to conditions

140. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballot papers so produced is evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1950, c. 243, s. 160.

Production of documents and endorsements on ballot papers evidence for certain purposes

141. Where in this Part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the

Expressions referring to agents

Non-attendance of agents

candidate, they shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of an agent at such time and place, if it is otherwise duly done, does not invalidate the act or thing done. R.S.O. 1950, c. 243, s. 161.

When election not to be declared invalid

142. No election is or shall be declared to be invalid,

- (a) for non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or
- (b) by reason of mistake in the use of the prescribed forms; or
- (c) by reason of any mistake or irregularity in the proceedings at or in relation to the election,

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act, and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. R.S.O. 1950, c. 243, s. 162.

Expenses incurred by officers to be repaid to them

143. The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. R.S.O. 1950, c. 243, s. 163.

VACANCIES IN COUNCIL

Seat to become vacant by crime, insolvency, absence, etc.

144. The seat of a member of a council becomes vacant if he,

- (a) is undergoing imprisonment under sentence for a criminal offence; or
- (b) becomes bankrupt or insolvent within the meaning of any bankruptcy or insolvency Act in force in Ontario; or
- (c) is in close custody under *The Fraudulent Debtors Arrest Act* or is discharged from close custody under section 51 of that Act; or

R.S.O. 1960, c. 155

(d) assigns his property for the benefit of his creditors;
or

(e) absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes; or

(f) files his resignation with the clerk of the municipality as provided in subsection 2 of section 35 or subsection 6 of section 148 for the purpose of becoming a candidate for council in some other office; or

(g) is elected to fill a vacancy in the office of mayor, reeve or deputy reeve; or

(h) is elected to fill a vacancy in the board of control,

and the council shall forthwith declare the seat to be vacant. R.S.O. 1950, c. 243, s. 164; 1953, c. 70, s. 4; 1958, c. 64, s. 9.

145. Except in the cases provided for by section 144, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 151 to 170 to declare it vacant. R.S.O. 1950, c. 243, s. 165.

Proceedings if disqualified member fails to resign

146. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council but he shall not vote on a motion as to his own resignation. R.S.O. 1950, c. 243, s. 166.

Resignation of member with consent of council

147.—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

Resignation of warden

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. R.S.O. 1950, c. 243, s. 167.

Vacancy in office of warden, how filled

148.—(1) Subject to sections 149 and 150, a new election shall be held forthwith where,

When new election to be held

(a) a person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or

(b) a vacancy, except in the office of controller, occurs from any cause.

Warrant
for new
election

(2) Where a new election is to be held, the head of the council or, if he is absent or unable to act or there is a vacancy in the office, the clerk or, if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

Returning
and deputy
returning
officers,
nomination
and polling

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do.

Procedure
where new
election
before first
meeting of
council

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected, the duties which by subsection 2 are to be performed by the head, clerk or a member of the council shall be performed by the head, clerk or a member of the council of the next preceding year.

Time for
holding
election

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election. R.S.O. 1950, c. 243, s. 168 (1-5).

Resignation

(6) Subject to sections 149 and 150, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the new election is to be held is eligible to be nominated for membership in the council in any other office unless he has before the time of the opening of the nomination meeting filed his resignation from the office that he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid. 1953, c. 70, s. 5.

Term of
office of
members
elected

(7) The person elected shall hold office for the remainder of the term for which the person whose place he is elected to fill was elected.

(8) Notwithstanding that a new election becomes necessary, meetings of the council may be held if a majority of the full number of the council is present. R.S.O. 1950, c. 243, c. 168 (6, 7). Majority of council may hold meeting

149.—(1) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are elected by general vote, the unsuccessful candidate who received the highest number of votes at the next preceding election is entitled to the office upon making the prescribed declarations within the prescribed time and, if he fails to do so or disclaims the office, one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time. R.S.O. 1950, c. 243, s. 169 (1); 1958, c. 64, s. 10 (1). Vacancy in office of alderman or councillor where election is by general vote

(2) Where the number of votes cast for two or more of such candidates is equal, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment having the priority. Candidate having largest assessment to have priority in case of a tie

(3) The clerk shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office if he makes the prescribed declarations within one week after the giving of the notice and that, if he fails to make the declarations within that time, he shall be deemed to have disclaimed the office. Notice of vacancy

(4) If a candidate fails to make the prescribed declarations within the prescribed time, or disclaims the office, the clerk shall forthwith give notice in writing to the candidate next in succession in the same terms as the notice to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted. Failure to take prescribed declarations

(5) The notice may be served personally or may be sent by registered mail addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the clerk. R.S.O. 1950, c. 243, s. 169 (2-5). Service of notice on candidate

(6) If all the aldermen or councillors were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. R.S.O. 1950, c. 243, s. 169 (6); 1958, c. 64, s. 10 (2). When council to elect person to fill vacancy

150.—(1) Where the office of mayor, reeve or deputy reeve becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the Vacancy in office of mayor, reeve or deputy reeve

council shall elect one of their number to fill the office for the remainder of the term. R.S.O. 1950, c. 243, s. 170 (1); 1958, c. 64, s. 11 (1).

When
vacancy
need not
be filled

(2) Where a vacancy occurs in the office of councillor after the 1st day of November in any year or after the 1st day of October where a by-law has been passed under section 44 and an election has not been ordered in a judicial proceeding, it is not necessary that the vacancy be filled if the council so directs. R.S.O. 1950, c. 243, s. 170 (3).

Vacancy in
office of
alderman or
councillor
where
election is
not by
general vote

(3) Where a vacancy occurs in the office of alderman or councillor where aldermen or councillors are not elected by general vote and an election has not been ordered in a judicial proceeding, the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. R.S.O. 1950, c. 243, s. 170 (4); 1958, c. 64, s. 11 (3).

Vacancies
not re-
quiring a
by-election

(4) Where the seat of a member of council is rendered vacant by reason of the filing of the resignation mentioned in subsection 2 of section 35, the vacancy shall not be filled in the manner provided in section 148 or 149, but the seat shall remain vacant until the next ensuing election when it shall be filled in the manner provided by this Act or any special Act that may be applicable, except that the person then elected to fill the vacancy shall hold office only for the remainder of the term for which the person who vacated the office was elected to such office. R.S.O. 1950, c. 243, s. 170 (5); 1960, c. 69, s. 6.

PART IV

PROCEEDINGS TO DECLARE SEAT VACANT

PROCEDURE

Interpre-
tation

151. In this Part,

- (a) "judge", unless the court is referred to by name, includes a judge of the Supreme Court and a judge of a county or district court;
- (b) "master" means Master of the Supreme Court and includes Assistant Master. R.S.O. 1950, c. 243, s. 171.

Who may
try validity
of election
or right
to deputy
reeve

152.—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a judge of the Supreme Court, by the master, or by a judge of the county or district court of the county or district in which the municipality is situate.

(2) Where the right of a municipality to a deputy reeve is ^{Relator} contested, any municipal elector in the county or, where the validity of the election is contested, any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. R.S.O. 1950, c. 243, s. 172.

153.—(1) If within six weeks after an election or one ^{Time within} month after the acceptance of office by a member of a council ^{which proceedings to} a person entitled to be a relator shows by affidavit reasonable ^{be instituted and} ground for supposing that the election was not legal, or was ^{security and proof} not conducted according to law, or that the person declared ^{required} elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the judge or the master, as the case may be, shall give his fiat authorizing the relator, upon entering into a recognizance as hereinafter provided and the same being allowed as sufficient, to serve a notice of motion to determine the matter.

(2) The recognizance shall be entered into before the judge ^{Recognizance} or master granting the fiat or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the judge or master upon affidavit of justification, each in the sum of \$100, and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs that may be adjudged to him against the relator.

(3) When the recognizance has been allowed as sufficient, ^{Allowance of recognizance} the judge or master by whom it is allowed shall note upon it and upon the fiat allowing service of the notice of motion the words "*Recognizance allowed*" and shall initial the same.

(4) Where the proceedings are taken before a judge of the ^{Proceedings, how to be entitled} Supreme Court or before the master, they shall be entitled in the Supreme Court and, where they are taken before a judge of a county or district court, they shall be entitled in that court. R.S.O. 1950, c. 243, s. 173.

154. The relator in his notice of motion shall set forth his ^{Contents of notice of motion} name in full, his occupation and place of residence, and the interest that he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election

complained of, and in favour of the validity of the election of himself or of any other person where the relator claims that he or that such person was duly elected, or the grounds of forfeiture or disqualification, as the case may be. R.S.O. 1950, c. 243, s. 174.

Affidavits,
etc., to be
filed

155. Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. R.S.O. 1950, c. 243, s. 175.

Service of
notice of
motion

156. The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow substituted service the judge or master otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally unless the person to be served avoids personal service, in which case an order may be made for substituted service. R.S.O. 1950, c. 243, s. 176.

Where
relator
claims that
he or an-
other was
elected

157. Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the election complained of and of the alleged election of the relator or other person. R.S.O. 1950, c. 243, s. 177.

One motion
against
several
persons

158. Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. R.S.O. 1950, c. 243, s. 178.

Hearing of
motion

159. On the hearing of the motion, the relator shall not be allowed to object to the election of the person complained of or to support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the judge or the master may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties that may appear in evidence before him. R.S.O. 1950, c. 243, s. 179.

Who to hear
motions
when more
than one

160. Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable and, unless otherwise directed by a judge of the Supreme Court, shall be heard and determined by the judge or master before whom the motion, notice of which was first served, is returnable, and one order upon all or a separate order upon one or more of them may be made, as he may deem proper. R.S.O. 1950, c. 243, s. 180.

161. The judge or master may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the judge or master may deem proper. R.S.O. 1950, c. 243, s. 181.

Requiring clerk to attend with rolls, voters' lists, etc.

162. Where the motion is returnable before a judge of the Supreme Court, he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of counsel for or after notice to all parties interested before a special examiner or a judge of a county or district court, who shall return the evidence so taken to the proper officer of the Supreme Court. R.S.O. 1950, c. 243, s. 182.

Taking of evidence to be used on motion

163.—(1) The judge or master, at any stage of the proceedings, may,

Adding parties, etc.

(a) add the returning officer or any deputy returning officer or other persons as a party to the proceedings; and

(b) allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose.

(2) An intervening party is liable for or entitled to costs like any other party to the proceedings. R.S.O. 1950, c. 243, s. 183.

Costs

164.—(1) The judge or master shall, in a summary manner, without formal pleadings, hear and determine the questions raised by or upon the motion and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any court named by him, or by one or more of those means.

Mode of trial

(2) Where a question is raised as to whether the candidate or any voter has been guilty of any contravention of sections 178 to 180, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the judge or before a special examiner or a judge of a county or district court, upon an order of reference to him for that purpose by the judge of the Supreme Court, if the motion is returnable before a judge of the Supreme Court, or before the master or the judge of the county or district court if the motion is returnable before him. R.S.O. 1950, c. 243, s. 184 (1, 2).

Evidence of corrupt practice to be taken orally

Striking
off votes

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, there shall be struck off the number of votes given for such candidate one vote for every such voter. R.S.O. 1950, c. 243, s. 184 (3); 1957, c. 76, s. 11.

If election
invalid,
order for
removal
of person
not duly
elected, etc.

165.—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not to have been duly elected be removed from the office and, if it is determined that any other person was duly elected, that he be admitted forthwith to the office.

Order for
new election

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last-mentioned person and, except as provided by section 149, for the holding of a new election. R.S.O. 1950, c. 243, s. 185.

Order for
new elec-
tion to be
directed to
clerk or
sheriff

166. Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the municipality or, where there is no clerk, to the sheriff of the county or district in which the municipality is situate, who has all the powers for causing the election to be held that a municipal council or any member or officer of it has in order to fill a vacancy in it. R.S.O. 1950, c. 243, s. 186.

Where
election
invalid

167.—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or to give a ballot paper to an elector, or owing to such officer having put into the ballot box a ballot paper that was not lawfully received from an elector, the judge or master may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer.

Right of
action
against
officers
preserved

(2) Nothing in this section affects any right of action against the returning officer or deputy returning officer or relieves him from any penalty to which he may be liable under this Act. R.S.O. 1950, c. 243, s. 187.

Order

168.—(1) After the adjudication, an order shall be drawn up, stating concisely the ground and effect of the decision.

(2) The order may be at any time amended by the judge ^{Amendment of order} or master in any matter of form, and has the same force and effect as a writ of mandamus formerly had in the like case. R.S.O. 1950, c. 243, s. 188.

169. The judge or master forthwith after rendering his ^{Judgment to be returned to proper officer of court} decision shall return the same with all things had before him touching the proceeding to the proper officer of the court, there to remain of record as a judgment of the court, and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. R.S.O. 1950, c. 243, s. 189.

170.—(1) The decision of a judge of the Supreme Court ^{Appeals from master or county judge} is final, but an appeal lies from the decision or order of the master or of a judge of a county or district court to a judge of the Supreme Court whose decision is final.

(2) The practice and procedure on and in relation to the ^{Procedure on appeal} appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the master in an action or proceeding in the Supreme Court. R.S.O. 1950, c. 243, s. 190.

171.—(1) A candidate elected who is found to have been ^{Disqualification of candidate guilty of corrupt practice} guilty of bribery, or of a corrupt practice, forfeits his seat, and is ineligible as a candidate at any election for two years thereafter.

(2) The judge or master shall report to the clerk of the ^{Report to be made to clerk} municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. R.S.O. 1950, c. 243, s. 191.

DISCLAIMER

172. Any person elected may at any time after the election, ^{Disclaimer before complaint} and before it is complained of, deliver to the clerk of the municipality a disclaimer, signed by him, to the following effect:

*"I, A.B., hereby disclaim all right to the office of
..... for the of
....., in the county (or
district) of....., and all defence of any right I
may have to the same.*

*Dated day of, 19.....
A.B."*

R.S.O. 1950, c. 243, s. 192.

When
defendant
may dis-
claim

173. A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit by registered mail, or deliver, if the proceedings are in the Supreme Court, to the Registrar of the Supreme Court of Ontario, at Osgoode Hall, Toronto, or if the proceedings are in a county or district court to the judge of that court, and to the relator or his solicitor, a disclaimer signed by him to the following effect:

*"I, A.B., upon whom a notice of motion, in the nature of a quo warranto, has been served for the purpose of contesting my right to the office of.....
for the of, in the county (or district) of, hereby disclaim the office, and all defence of any right I may have to the same.*

*Dated..... day of, 19.....
A.B."*

R.S.O. 1950, c. 243, s. 193.

Duplicate of
disclaimer
to be
delivered
to clerk

174. A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. R.S.O. 1950, c. 243, s. 194.

Disclaimer
to operate
as resignation

175.—(1) A disclaimer in accordance with section 172 or 173 operates as a resignation.

Cost

(2) A disclaimer in accordance with section 172 relieves the person making it from all liability for costs.

When costs
not to be
awarded

(3) Costs shall not be awarded against a person disclaiming under section 173, unless he consented to his nomination or accepted the office. R.S.O. 1950, c. 243, s. 195.

RULES OF PRACTICE

Rules Com-
mittee to
make rules,
etc.

176. Subject to the approval of the Lieutenant Governor in Council, the Rules Committee may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in this Part, or by rules of court, the practice and procedure of the Supreme Court shall be applicable. R.S.O. 1950, c. 243, s. 196.

177. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by *quo warranto* proceedings or by an action in any court. R.S.O. 1950, c. 243, s. 197.

Procedure substituted for *quo warranto* proceedings

PART V

BRIBERY AND CORRUPT PRACTICES

178.—(1) Every person who,

Bribery;

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or
- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that

bribing voter or procuring bribery by money

by gift or offer or promise of employment

to induce anyone to procure return of candidate or endeavour to procure

receiving bribe to procure return of candidate

advancing money to be spent in corrupt practices

such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

applying
for money
or employ-
ment in
considera-
tion of
voting

- (f) directly or indirectly, himself or by any other person on his behalf, on account of and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate or to his agent for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or

receiving
money,
office, etc.,
for having
voted

- (g) before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

receiving
money cor-
ruptly after
election

- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

giving or
promising
office to
candidate
to stand or
withdraw

- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

is guilty of bribery, is disqualified from voting at any election for two years, and on summary conviction is liable to a fine of \$200, or to imprisonment for a term of not more than six months, or to both. R.S.O. 1950, c. 243, ss. 198 (1), 493.

Personal
expenses of
candidate

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good

faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof is not a contravention of this Act. R.S.O. 1950, c. 243, s. 198 (2).

179.—(1) A candidate who himself or by any other person on his behalf and every other person who, Conveying voters to poll

(a) hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) pays the travelling or other expenses of a voter in going to or returning from a polling place,

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place is guilty of a corrupt practice and on summary conviction is liable to a fine of \$100, and, if a voter, is disqualified from voting at the election; but this subsection does not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether Furnishing transportation to voters passes or tickets or the like are or are not supplied, is guilty of a corrupt practice and on summary conviction is liable to a fine of \$100, and, if a voter, is disqualified from voting at the election. R.S.O. 1950, c. 243, ss. 199 (1, 2), 493.

(3) Except as provided in subsection 1, nothing in this Act renders it unlawful for any person to provide his own private Exception as to private vehicles vehicles for the purpose of taking voters to and from the poll free of charge.

(4) For the purposes of this section, "conveyance" includes Interpretation a horse, team, carriage, cab, vehicle, boat or vessel. R.S.O. 1950, c. 243, s. 199 (3, 4).

180.—(1) Every person who, directly or indirectly, himself or by any other person on his behalf, uses or threatens to use force, violence or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise Undue influence

of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, is guilty of a corrupt practice and is disqualified from voting for two years and on summary conviction is liable to a fine of \$200 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1950, c. 243, ss. 200 (1), 493.

Pretence,
that ballot
not secret

(2) It is a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O. 1950, c. 243, s. 200 (2).

Posting of
provisions
as to corrupt
practices

181. The clerk shall furnish every deputy returning officer with at least two copies of sections 178 to 180, and the deputy returning officer shall post them in conspicuous places at the polling place. R.S.O. 1950, c. 243, s. 201.

Witnesses
not excused
from
answering
on ground
of privilege,
etc.

182.—(1) No person is excused from answering any question put to him in an action or proceeding touching or concerning an election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege or on the ground that the answer will tend to criminate him or subject him to any penalty under this Act.

Answers of
witness not
to be used
against him
if judge
gives cer-
tificate

(2) No answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him or subject him to any penalty under this Act, shall be used in any proceeding thereunder against such person, if the judge or officer before whom he is examined gives to the witness a certificate that he claimed the right to be excused on either of such grounds, and made full and true answer to the satisfaction of the judge. R.S.O. 1950, c. 243, s. 202.

WHEN NO PENALTY RECOVERABLE

When
penalty for
corrupt
practice
not to be
recoverable

183. No pecuniary penalty is recoverable for bribery or a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the offence; but this provision does not apply if the judge before whom the person claiming the benefit of it is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender. R.S.O. 1950, c. 243, s. 203.

PART VI

MEETINGS OF MUNICIPAL COUNCILS

FIRST MEETING OF COUNCIL

184.—(1) The first meeting of the council of a local municipality shall be held on the second Monday in January at 11 o'clock in the forenoon or at such hour as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law. First meeting of council, local municipality

(2) The first meeting of the council of a county shall be held on the third Tuesday in January at 2 o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday in January and at such hour as may be fixed by by-law. county

(3) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose. Declarations of office before business

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. When council deemed organized
R.S.O. 1950, c. 243, s. 204.

185. A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate (Form 19) under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. Certificate of election
R.S.O. 1950, c. 243, s. 205.

186.—(1) In each year at the first meeting of a county council at which a majority of all the members is present, they shall organize as a council and elect one of the members to be warden. Warden, election

(2) The clerk shall preside or, if there is no clerk, the members present shall select a member to preside, and the person so elected may vote as a member. Clerk to preside

(3) Subject to subsection 4 and to section 197, the warden shall be elected in the manner provided by resolution of the council passed prior to the election. Conduct of election

(4) In case of an equality of votes, the reeve or, in his absence, the deputy reeve of the municipality which for the preceding year had the largest equalized assessment shall have a second or casting vote. Case of equality of votes
R.S.O. 1950, c. 243, s. 206.

PLACE OF MEETING

Place of
first meeting
of county
council

187. The first meeting of a county council shall be held at the county hall if there is one and, if there is none, at the court house. R.S.O. 1950, c. 243, s. 207.

Subsequent
meetings

188. The subsequent meetings of the county council and all meetings of every other council shall be held at such place as the council from time to time appoints. R.S.O. 1950, c. 243, s. 208.

Location
of offices,
county

189.—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

township

(2) The council of a township has the like power in respect of an adjacent urban municipality or township in the same county. R.S.O. 1950, c. 243, s. 209.

Ordinary
meetings to
be open

190.—(1) The ordinary meetings of every council shall be open, and no person shall be excluded therefrom except for improper conduct.

Exclusion
of certain
persons

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1950, c. 243, s. 210.

Quorum

191.—(1) A majority of the whole number of members required to constitute a council is necessary to form a quorum.

Where
council
consists
of five
members

(2) Where a council consists of only five members, the concurrent votes of at least three of them is necessary to carry any resolution or other measure. R.S.O. 1950, c. 243, s. 211.

Head of
council to
preside

192.—(1) The head of the council shall preside at all meetings of the council.

Special
meeting

(2) The head of the council may at any time summon a special meeting, and upon receipt of the petition of the majority of the members of the council the clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. R.S.O. 1950, c. 243, s. 212.

Place of
special
meeting

193. If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be

either open or closed as in the opinion of the council, expressed by resolution in writing, the public interest requires. R.S.O. 1950, c. 243, s. 213.

194. In the absence of the head of the council, or if his office is vacant, or if he refuses to act, the council may, from among the members, appoint a presiding officer who, during such absence or vacancy or refusal to act, has all the powers of the head of the council. R.S.O. 1950, c. 243, s. 214.

195. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he has the same authority as the absent person would have had if present. R.S.O. 1950, c. 243, s. 215.

196. The head of the council, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1950, c. 243, s. 216.

197.—(1) Where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. R.S.O. 1950, c. 243, s. 217.

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees. R.S.O. 1950, c. 243, s. 218.

199. A council may adjourn its meetings from time to time. R.S.O. 1950, c. 243, s. 219.

200. The council of a county may by by-law provide that a member who in council has an additional vote by virtue of subsection 2 of section 26 shall as a member of any committee have an additional vote therein. R.S.O. 1950, c. 243, s. 220.

PART VII

BOARDS OF CONTROL

In cities of
not less than
100,000

201. In cities having a population of not less than 100,000, there shall be a board of control consisting of the mayor and four controllers to be elected by general vote. R.S.O. 1950, c. 243, s. 221.

In cities
between
45,000 and
100,000

202.—(1) In cities having a population of less than 100,000 but more than 45,000, the council may, with the assent of the municipal electors, pass a by-law providing that there shall be a board of control consisting of the mayor and four controllers to be elected by general vote. R.S.O. 1950, c. 243, s. 222 (1).

Repeal of
by-law

(2) No such by-law shall be repealed without the assent of the municipal electors, nor until at least five annual elections or three biennial elections, as the case may be, have been held under it, and no repealing by-law shall be passed later in the year than the 1st day of November. R.S.O. 1950, c. 243, s. 222 (2); 1958, c. 64, s. 12.

Salaries of
members

203.—(1) The council of a city having a board of control may by by-law fix the salaries of the members of the board.

Idem

(2) Where the population of a city is less than 100,000, the salary shall not exceed for each member of the board the sum of \$2,500 per annum.

Idem

(3) Where the population of a city exceeds 100,000 but is less than 150,000, the salary shall not exceed for each member of the board the sum of \$3,500 per annum.

Idem

(4) Where the population of a city exceeds 150,000 but is less than 200,000, the salary shall not exceed for each member of the board the sum of \$4,500 per annum.

Idem

(5) Where the population of a city exceeds 200,000 but is less than 300,000, the salary shall not exceed for each member of the board the sum of \$6,000 per annum.

Idem

(6) Where the population of a city exceeds 300,000, the salary shall not exceed for each member of the board the sum of \$8,500 per annum. 1959, c. 62, s. 6.

Presiding
officer to
act in
absence of
mayor

204. During the absence of the mayor or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board. R.S.O. 1950, c. 243, s. 224.

205.—(1) Three members of a board of control is a ^{Quorum} quorum, and the mayor shall preside at the meetings of the board and, in his absence, the members shall appoint one of ^{mayor to} their number to preside.

(2) If a vacancy occurs in the office of controller, the council, at a meeting called for that purpose, shall elect a person to ^{Filling} fill the vacancy for the unexpired term of the member whose ^{vacancies} seat has become vacant. R.S.O. 1950, c. 243, s. 225.

206.—(1) It is the duty of the board of control, ^{Duties of}

- (a) to prepare estimates of the proposed expenditure of the year and certify them to the council for its consideration; ^{to prepare}
- (b) to prepare specifications for and award all contracts ^{to award} and for that purpose to call for all tenders for works, material, and supplies, implements, machinery, or other goods or property required and that may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting; ^{contracts}
- (c) to inspect and report to the council monthly or ^{to inspect} oftener upon all municipal works being carried on ^{municipal} or in progress; ^{works}
- (d) to nominate to the council all heads of departments ^{to nominate} and sub-departments in case of a vacancy and, after ^{officers of} a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks; ^{corporation}
- (e) to dismiss or suspend any head of a department and ^{to dismiss} forthwith to report such dismissal or suspension to ^{or suspend} the council.

(2) The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum ^{Appropri-} not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without ^{ation and} a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition does not extend to the ^{expenditure} payment of any debenture or other debt or liability of the corporation.

(3) When opening tenders, the board shall require the presence of the head of the department or sub-department ^{Head of de-} with which the subject-matter of them is connected and, ^{partment to} when requisite, the presence of the city solicitor. ^{be present} ^{when tenders} ^{are opened}

Discussion
as to
tenders

(4) The head of such department or sub-department may take part in any discussion at the board relating to the tenders.

Reversal
by council
of action
of board

(5) The council shall not without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tender other than the one to whom the board has awarded it.

Appoint-
ment of
head of
department
on nomina-
tion of
board

(6) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause *d* of subsection 1, without a two-thirds vote.

Reinstatement
of
dismissed
head

(7) Where the head of a department has been dismissed by the board, he shall not be re-appointed or re-instated by the council without a two-thirds vote.

Controlling
appointment
and duties of
subordinate
officers

(8) In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses *d* and *e* of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed.

Submission
of by-laws,
etc.

(9) The board may submit proposed by-laws to the council.

Amalgama-
tion of de-
partments

(10) The board, where in its opinion it is desirable, may amalgamate departments or sub-departments.

Secretary
of board

(11) The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the board or by the mayor or the council.

Other duties
assigned by
council

(12) The council may by by-law or resolution assign to the board such other duties as the council may deem proper.

Copies of
minutes,
when to be
furnished
to council

(13) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession that the council may require.

Referring
matter back
for recon-
sideration

(14) The council may refer back to the board any report, nomination, question or matter for reconsideration.

Recording
votes on
action of
board

(15) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

School
boards to
send in
estimates

(16) The public, high and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board, whose esti-

mates are to be provided for, shall furnish their annual estimates to the board on or before the 1st day of March in each year.

(17) Clause *d* of subsection 1 does not apply to a member of the fire department, except the head of it, or to an assessor, except the assessment commissioner, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative, or to a member of the court of revision.

Certain officers not to be nominated by board

(18) Nothing in this section deprives the head of a department of the power that he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee.

Powers of head of department before 7th April, 1896

(19) Notwithstanding any other provision in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 9.

Exclusive rights of board

R.S.O. 1950, c. 243, s. 226.

207.—(1) In cities having a population of 45,000 or less, the council may, with the assent of the electors, pass a by-law providing that there shall be a board of control consisting of the mayor and two controllers to be elected by general vote.

Board of control in cities of 45,000 or less

(2) No person may be elected as a controller unless he is a person who is qualified to be elected as an alderman.

Qualification of members

(3) A by-law passed under subsection 1 shall be passed not later than the 1st day of November in any year and shall take effect for the year next following that in which it is passed, and no such by-law shall be repealed without the assent of the electors, nor until at least six years have elapsed from the time when it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year.

By-law establishing board

(4) The members of the board of control established under this section shall hold office for the term of one year and until their respective successors are elected.

Term of office of members

(5) If any vacancy occurs in the office of a controller, other than the mayor, the vacancy shall be filled by a new election, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor; provided that, where the vacancy in the office of controller occurs within three months of the time when his term of office would have expired, it is not necessary to fill the vacancy.

Vacancies

(6) The members of a board of control established under this section, other than the mayor, shall serve without salary

Travelling expenses, etc.

or remuneration, but they are entitled to be reimbursed for any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties.

Absence of
or vacancy
in office of
mayor

(7) During the absence of the mayor, or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the board.

Quorum

(8) Two members of the board form a quorum and the mayor, if present, shall preside at all meetings.

Duties of
board

(9) It is the duty of a board of control established under this section,

(a) to prepare the yearly estimates provided for in section 297 and to certify them to the council for its consideration;

(b) to administer the revenues and expenditures of the corporation so as to ensure the receipt and application thereof as provided by statute and by the yearly estimates adopted by the council, and to prevent any appropriation of the revenues and the making of any expenditure otherwise than as so provided or as provided by any supplementary estimates adopted by the council;

(c) to administer such other of the affairs of the corporation as may from time to time be provided by by-law passed by a two-thirds vote of all the members of the council.

Appropriation and
expenditure

(10) The council shall not appropriate or expend nor shall any officer of the corporation appropriate or expend or direct the appropriation or expenditure of any sum not provided for by the yearly estimates or by a supplementary estimate certified by the board to the council without a two-thirds vote of all the members of the council authorizing such appropriation or expenditure.

Payment of
obligations

(11) Nothing in subsections 9 and 10 extends to prohibit the payment of any obligation, debt or other liability to which by law the corporation is committed.

By-laws

(12) Except by a vote of three-fourths of all the members of the council, no by-law for any work or undertaking that will involve the issue of debentures of the corporation to meet the cost thereof or the borrowing of moneys therefor shall finally be passed by the council until it is certified to the council by the board; provided that nothing herein prevents

any such by-law being passed by the council without such certificate if the council is by law required to pass the by-law.

(13) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed, selected or dismissed by the council in the absence of the nomination of the board except by a two-thirds vote of all the members of the council.

Clerks,
appointment
and dismissal

(14) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 206 apply to this section. R.S.O. 1950, c. 243, s. 227.

Application
of certain
provisions
of s. 206

208.—(1) Notwithstanding any general or special Act, in townships having a population of more than 45,000, the council may pass a by-law providing that there shall be an executive committee consisting of,

Executive
committee
in townships

(a) the head of council; and

(b) where,

(i) the deputy reeve is elected at large, the deputy reeve, or

(ii) there is more than one deputy reeve, a deputy reeve to be elected to the committee by council; and

(c) one councillor to be elected to the committee by council or, where there is no deputy reeve, two councillors to be elected to the committee by council; and

(d) where there are more than fifteen members of council, one additional member of council to be elected to the committee by council.

(2) A by-law passed under subsection 1 shall be passed not later than the 1st day of November in any year and shall take effect when the council is organized following the next municipal election after the by-law is passed and no such by-law shall be repealed until at least six years have elapsed from the time it first took effect, and no repealing by-law shall be passed later than the 1st day of November in any year.

By-law
establishing
executive
committee,
effective date

(3) The members of the executive committee elected to the committee by council shall hold office for one year and until their respective successors are elected.

Term of
office

(4) If any vacancy occurs in the office of a member elected to the executive committee by council, the vacancy shall be filled by election by council in accordance with subsection 1, and the person elected to fill the vacancy shall hold office for the unexpired term of office of his predecessor.

Vacancies

Travelling
expenses,
etc.

(5) The members of an executive committee are entitled to be reimbursed for any reasonable travelling or other expenses necessarily incurred and paid by them in the performance of their powers and duties.

Absence or
vacancy in
office of head
of council

(6) During the absence of the head of council or if there is a vacancy in the office, the person appointed as presiding officer of the council shall act as a member of the executive committee.

Quorum

(7) Two members of the executive committee form a quorum and the head of council, if present, shall preside at all meetings.

Application
of ss. 206,
207

(8) Subsections 9, 10, 11, 13, 14, 15 and 19 of section 206 and subsections 9, 10, 11, 12 and 13 of section 207 apply to this section as if the executive committee were acting in the place of a board of control.

Amendment
or repeal
of by-law

(9) Except by a vote of three-fourths of all the members of the council, no by-law passed under subsection 1 shall be amended or repealed. 1960, c. 69, s. 7, *part*.

Salaries of
members of
executive
committee

209. The council of any township having an executive committee may by by-law fix the salaries of the members of the committee, other than the head of council, and the salaries so fixed together with the annual allowance paid for being a member of the council under subsection 1 of section 406 or the total daily remuneration for attendance at meetings of the council and of its committees under subsection 1 of section 405 shall not exceed in the total,

- (a) where the population of a township is less than 100,000, a sum not exceeding \$2,500 per annum;
- (b) where the population of a township is 100,000 or more but less than 150,000, a sum not exceeding \$3,500 per annum;
- (c) where the population of a township is 150,000 or more but less than 200,000, a sum not exceeding \$4,500 per annum;
- (d) where the population of a township is 200,000 or more but less than 300,000, a sum not exceeding \$6,000 per annum; and
- (e) where the population of a township is 300,000 or more, a sum not exceeding \$8,500 per annum. 1960, c. 69, s. 7, *part*.

PART VIII

OFFICERS OF MUNICIPAL CORPORATIONS

THE HEAD

210.—(1) The warden of a county, the mayor of a city or town and the reeve of a village or township is the head of the council and the chief executive officer of the corporation. Who to be head of council

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the head of the council. Acting head of council R.S.O. 1950, c. 243, s. 228.

(3) The council of any municipality may by by-law appoint a member of the council to act from time to time in the place and stead of the head of the council when the head of the council is absent from the municipality or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the head of the council. Idem 1958, c. 64, s. 13.

211. It is the duty of the head of the council,

Duties of head of council

- (a) to be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) to oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) to communicate to the council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. R.S.O. 1950, c. 243, s. 229.

212. The head of the council may be paid such annual or other remuneration as the council may determine. R.S.O. 1950, c. 243, s. 230. Remuneration of head

213. The mayor of a city or town may call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. Mayor may call out posse comitatus R.S.O. 1950, c. 243, s. 231.

Substitute
for head of
council as
ex officio
member of
boards, etc.

214. The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except a board of commissioners of police. R.S.O. 1950, c. 243, s. 232.

THE CLERK

Appoint-
ment of
clerk, and
his duties

215.—(1) The council shall appoint a clerk, whose duty it is,

- (a) to truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep the books, records and accounts of the council;
- (d) to preserve and file all accounts acted upon by the council;
- (e) to keep in his office or in the place appointed for that purpose the originals of all by-laws and of all minutes of the proceedings of the council;
- (f) to perform such other duties as may be assigned to him by council.

Deputy
clerk

(2) The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk under this and every other Act. R.S.O. 1950, c. 243, s. 233.

Inspection
of records,
books, etc.,
in possession
of clerk

216.—(1) Except as otherwise provided in any Act, any person, at all reasonable hours, may inspect any records, books, accounts and documents in the possession or under the control of the clerk, except inter-departmental correspondence and reports of officials of any department or of solicitors for the corporation made to council, board of control or any committee of council, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand to any applicant on payment at the rate of

10 cents for every 100 words or such other rate as the council may fix. 1958, c. 64, s. 14.

(2) The clerk shall keep an index box in which he shall enter the number and date of, Index of restricted area by-laws, etc.

(a) every subsisting by-law heretofore passed under section 30 of *The Planning Act* or a predecessor of that section; R.S.O. 1960, c. 296

(b) every by-law hereafter passed under section 30 of *The Planning Act*;

(c) every other subsisting by-law, and every other by-law hereafter passed, that affects land but does not directly affect the title to land. 1954, c. 56, s. 11.

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. Copies certified by clerk to be receivable in evidence R.S.O. 1950, c. 243, s. 234 (2); 1956, c. 50, s. 8 (2).

217.—(1) The clerk of every municipality shall in each year within the time prescribed by the Department make a return to the Department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Department may prescribe, and every such return shall be transmitted by registered mail. Clerks' returns to department

(2) For every contravention of this section, the clerk is guilty of an offence and on summary conviction is liable to a fine of not more than \$40. Offence

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. Returns by Department R.S.O. 1950, c. 243, ss. 235, 493.

THE TREASURER

218.—(1) The council shall appoint a treasurer. Treasurer

(2) The council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer under this and every other Act. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties through illness or otherwise, the council may appoint an acting treasurer *pro tempore* who Acting treasurer

shall have all the powers and duties of the treasurer under this and every other Act. R.S.O. 1950, c. 243, s. 236

Appoint-
ment of
county
treasurer
pro tem

219.—(1) In case of the death of the treasurer of a county, the warden may, by warrant under his hand, appoint for such special purpose as he may deem necessary a treasurer *pro tempore*, who shall hold office until the next meeting of the council, and all acts authorized by the warrant that are performed by him are as valid and binding as if performed by a treasurer.

Security to
be given

(2) The warden shall, by the warrant, direct that security within the meaning of subsection 2 of section 234 shall be given by the treasurer *pro tempore* for the faithful performance of his duties and for duly accounting for and paying over all money that comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers or accounts of the deceased treasurer until a proper audit of them has been made. R.S.O. 1950, c. 243, s. 237.

To receive
and take
care of and
disburse
money, etc.

220.—(1) The treasurer shall receive and safely keep all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct, and every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. R.S.O. 1950, c. 243, s. 238 (1).

Persons
authorized
to sign
cheques

(2) Notwithstanding subsection 1,

- (a) the council of a local municipality having a population of less than 5,000 and the council of a county may provide that cheques issued by the treasurer may be signed by the treasurer only; and
- (b) the council of any other municipality may designate one or more persons to sign cheques in lieu of the treasurer.

Methods of
signing
cheques

(3) The council of any municipality may provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques. 1957, c. 76, s. 12.

Petty cash
fund

(4) The council of a municipality may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to

pay small accounts, subject to such terms and conditions as the by-law may provide. 1953, c. 70, s. 6.

(5) Except where otherwise expressly provided by this Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed. When member of council may be paid for work

(6) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the council, unless another disposition of it is expressly provided for by statute. His liability limited
R.S.O. 1950, c. 243, s. 238 (3, 4).

221. Subject to subsection 4 of section 220, the treasurer shall, Bank accounts, etc.

- (a) open an account or accounts in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as may be approved by the council;
- (b) deposit all money received by him on account of the municipality, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the municipality entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 220, the council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1953, c. 70, s. 7.

222. Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation. Half-yearly statement of assets
R.S.O. 1950, c. 243, s. 240.

223.—(1) The treasurer of every municipality shall in each year within the time prescribed by the Department make a return to the Department on forms provided by it of such information and statistics with respect to the financial affairs, accounts and transactions of the municipality as the Department may prescribe, and every such return shall be transmitted by registered mail. Treasurers' returns to Department
R.S.O. 1950, c. 243, s. 241 (1).

(2) For every contravention of this section, the treasurer is guilty of an offence and on summary conviction is liable to a fine of not more than \$40. Offence
R.S.O. 1950, c. 243, ss. 241 (2), 493.

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly. Returns by Department
R.S.O. 1950, c. 243, s. 241 (3).

Provision
on dismissal
from office

224. Where a treasurer is removed from office or absconds, the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation that may have been deposited by the treasurer to his credit. R.S.O. 1950, c. 243, s. 242.

ASSESSORS AND COLLECTORS

Assessors
and collec-
tors, ap-
pointment

225.—(1) The council of every local municipality shall appoint as many assessors and as many collectors for the municipality as may be deemed necessary.

Appoint-
ments need
not be
annual

(2) Every by-law appointing an assessor or a collector remains in force until repealed, and it is not necessary to appoint the assessor or collector annually.

Regulations
as to
duties

(3) The council may assign to an assessor or collector the district within which he is to act, and may make regulations for governing him in the performance of his duties.

Extent of
jurisdiction

(4) In a city, town or township, the same person may be appointed assessor or collector for more than one ward or polling subdivision. R.S.O. 1950, c. 243, s. 243.

Assessment
commis-
sioners and
boards of
assessors

226.—(1) The council of a local municipality may appoint an assessment commissioner and may constitute a board of assessors which shall have all the powers and perform all the duties of assessors. R.S.O. 1950, c. 243, s. 244 (1).

Deputy
assessment
commis-
sioner

(2) The council of a local municipality may appoint a deputy assessment commissioner who shall have all the powers and duties of an assessment commissioner under this and every other Act.

Acting
assessment
commis-
sioner

(3) When the office of the assessment commissioner is vacant or the assessment commissioner is unable to carry out his duties through illness or otherwise, the council of a local municipality may appoint an acting assessment commissioner *pro tempore* who shall have all the powers and duties of the assessment commissioner under this and every other Act. 1955, c. 48, s. 23.

Duties
in certain
cities and
towns

(4) The council of a city or town, having a population of less than 20,000, may provide that all the duties of an assessor shall be performed by the assessment commissioner, and in that case it is not necessary to appoint assessors.

Annual
appoint-
ments not
necessary

(5) It is not necessary to appoint annually the assessment commissioner or the assessors.

Notices

(6) In a local municipality that has an assessment commissioner, all notices in matters relating to assessment that in other municipalities are required by this or any other Act

to be given to the clerk shall be given to the assessment commissioner. R.S.O. 1950, c. 243, s. 244 (2-4).

227. A local municipality that forms part of a county, with the consent of the county council, may appoint the county assessor to be the assessment commissioner or assessor for the local municipality upon such terms as may be agreed upon between the county and the local municipality. 1958, c. 64, s. 15.

County
assessor as
local assessor

AUDITORS AND AUDIT

228.—(1) The council of every municipality shall by law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*.

Appointment
of auditors

R.S.O. 1960,
c. 98

(2) Where a local board functions in more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality in which the local board functions most, and in the event of disagreement as to the proper auditor the matter upon application may be determined by the Department.

Where local
board in
more than
one municip-
ality

(3) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Cost of audit

(4) Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors apply *mutatis mutandis*.

Local
boards in
unorganized
territory

(5) Where by any other general or special Act auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power is not mandatory, notwithstanding such Act.

Provision
to avoid
duplication
of audits

(6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during

Disqualifi-
cation of
persons as
auditors

the preceding year had any direct or indirect interest in any contract with the municipality or any of the aforementioned local boards or any employment with any of them other than as an auditor.

Case of
county
auditor
refusing
to act

(7) If a person appointed auditor for a county refuses or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. R.S.O. 1950, c. 243, s. 245.

Duties of
auditor

229. An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department. R.S.O. 1950, c. 243, s. 246.

Right of
access, etc.

230.—(1) The auditor of a municipality has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the municipality or any local board thereof, and is entitled to require from the members of council and local boards and from the officers of the municipality and its local boards such information and explanation as in his opinion may be necessary to enable him to carry out such duties as are prescribed by the Department.

Auditor
may take
evidence on
oath

(2) The auditor may require any person to give evidence on oath touching any of such matters and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Auditor
may attend
meetings

(3) The auditor is entitled to attend any meeting of members of council or any local board of the municipality and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. 1960, c. 69, s. 8.

Audit of
accounts
before
payment

231. The council of any municipality may provide that all accounts shall be audited before payment. R.S.O. 1950, c. 243, s. 248.

The council
to audit
finally, etc.

232. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation, and, where charges are not regulated by law, the council shall allow what is reasonable. R.S.O. 1950, c. 243, s. 249.

Money pay-
able by Prov-
ince to be
retained if
returns not
made

233. The Treasurer of Ontario may in his discretion retain in his hands any money payable to a corporation, if it is certified to him by the Department that any officer of the

corporation whose duty it is to make returns to the Department has not done so. R.S.O. 1950, c. 243, s. 250.

234.—(1) Every treasurer, deputy treasurer and collector and every other officer of the corporation, as the council may require, before entering on the duties of his office shall give annually such security as the council directs for the faithful performance of such duties and for duly accounting for and paying over all money that comes into his hands. Security to be furnished by officers

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act* and shall be in such form and on such terms as the Department may approve. Nature of security
R.S.O. 1960, c. 168

(3) It is the duty of the council, at a meeting held not later than the 15th day of February in every year with respect to those of its officers who continue in office from year to year and at the first meeting after his appointment with respect to any newly appointed officer, to require the production before it of every bond, policy or guarantee contract required under this section. Inspection of surety bonds

(4) The council shall forthwith after the production thereof direct where and with whom the bonds, policies and guarantee contracts given under this section shall be deposited for safe keeping and where the same shall be available for inspection by the auditor, and the auditor shall in his annual report to the Department include such information with respect to the same as may be required by the Department. Inspection and return as to security

(5) The premiums payable in respect of any bond, policy or guarantee contract given under this section is payable by the corporation out of its general funds. Premiums

(6) The Department may upon examination of any return made to it for any municipality under this section report to the council with respect to matters arising out of the return, and as to the necessity for other officers, employees and servants furnishing security, and as to the sufficiency of security furnished as disclosed by the return. Notices from Department as to surety bonds

(7) This section applies *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, except a school board, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, except a school board. R.S.O. 1950, c. 243, s. 251. Local boards and authorities
R.S.O. 1960, c. 98

Publication
of state-
ments of
revenues
and ex-
penditures

235. The council of any municipality may prior to the day fixed for holding nominations publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department. R.S.O. 1950, c. 243, s. 252.

DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS

Declaration
of office

236.—(1) Every member of a council, trustee of a police village, every public utility commissioner and commissioner of industries, and every clerk, treasurer, assessment commissioner, assessor, collector, engineer, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20).

Declaration
of person
appointed to
more than
one office

(2) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them.

Declaration
of constable

(3) Every constable, before entering upon the duties of his office, shall make and subscribe a declaration (Form 21).

Oath of
office

(4) Every returning officer, deputy returning officer and poll clerk before entering upon the duties of his office shall take the oath of office (Form 22).

Administra-
tion of oaths
to deputy
returning
officers and
poll clerks

(5) Where by this Act any oath or declaration is required to be made by a deputy returning officer or by a poll clerk, and no special provision is made therefor, the oath or declaration, in the case of a deputy returning officer, may be made before the returning officer for the municipality or ward or before the poll clerk or before any person authorized to administer an oath, and, in the case of a poll clerk, before any such person or before the deputy returning officer.

Auditor's
declaration

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration (Form 23).

Filing of
declaration

(7) Except where otherwise provided, the person by whom the oath or declaration is made shall file it in the office of the clerk within eight days after it is made. R.S.O. 1950, c. 243, s. 253.

Declaration
of office

237. Every qualified person elected to any municipal office shall take the declaration of office, where he is elected to fill a vacancy, within ten days after his election, and in other cases on or before the day fixed for holding the first meeting of the body to which he was elected, and in default he shall be deemed to have resigned. R.S.O. 1950, c. 243, s. 254.

SALARIES, TENURE OF OFFICE AND GRATUITIES

238.—(1) When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it. Salaries of officers

(2) The council shall give to the clerk for services and duties performed by him under *The Ditches and Watercourses Act* a fair and reasonable remuneration to be fixed by the council. Remuneration of clerk for certain services
R.S.O. 1960, c. 109

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act. Fees for copies of awards, etc.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration. Remuneration not to be settled by tender

(5) Notwithstanding that a corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the corporation has the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel was not so remunerated, if the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. When municipality employing solicitor at a salary may recover costs R.S.O. 1950, c. 243, s. 255.

239. All officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the council. Tenure of office.
duties R.S.O. 1950, c. 243, s. 256.

240.—(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least twenty years with the municipality or with the municipality and any other municipality or local board as defined in *The Department of Municipal Affairs Act* or any two or more of them and who, Retirement allowances R.S.O. 1960, c. 98

(a) is retired because of age; or

(b) while in the service of any municipality or local board has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in

any year under a pension plan of any municipality or local board will exceed three-fifths of his average annual salary for the preceding three years of his service. 1955, c. 48, s. 24 (1), *part*; 1960, c. 69, s. 9.

Contributions by municipality or local board

(2) Where a council grants an annual retirement allowance to an employee under subsection 1, any municipality or local board of which he has been an employee may contribute to such allowance by agreement with the municipality granting the allowance. 1955, c. 48, s. 24 (1), *part*.

Interpretation

(3) In subsection 1, "pension payments" means only pension payments that have resulted from the joint contributions of employer and employee, and does not include any such payments that have resulted solely from contributions of the employee. R.S.O. 1950, c. 243, s. 257 (2).

Application of section

(4) This section does not apply to an employee who has entered or enters the service of any municipality or local board after the 1st day of January, 1948. 1955, c. 48, s. 24 (2).

Interpretation

(5) In this section, "employee" has the same meaning as in paragraph 59 of section 377. R.S.O. 1950, c. 243, s. 257 (4).

INVESTIGATION OF CHARGES OF MALFEASANCE, ETC., OR JUDICIAL INQUIRY IN RELATION TO MUNICIPAL MATTERS

Investigation by county judge of charges of malfeasance

241.—(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situate, or a judge of the county or district court of a county or district adjoining the county or district in which the municipality is situate, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the council, or an officer or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant or other person to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality or the conduct of any part of its public business, including any business conducted by a commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry and for that purpose has all the powers that may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

R.S.O. 1960, c. 323

Fees payable to judge

(2) The judge shall be paid by the corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

R.S.O. 1960, c. 197

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. R.S.O. 1950, c. 243, s. 258. Engaging
counsel

PART IX

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES

242.—(1) Except where otherwise provided, the jurisdiction of every council is confined to the municipality that it represents and its powers shall be exercised by by-law. Jurisdiction
of councils

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. R.S.O. 1950, c. 243, s. 259. By-law not
to be
quashed
because un-
reasonable

243. Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members and the calling of meetings. R.S.O. 1950, c. 243, s. 260. General
power to
make regu-
lations

244. Proceedings begun by one council may be continued and completed by a succeeding council. R.S.O. 1950, c. 243, s. 261. Council a
continuing
body

245. The council of a local municipality shall not, after the day the poll is held for the election of the new council, or, where all members of council are elected by acclamation, after the day the candidates are declared elected under section 49, pass any by-law, except a by-law with respect to an undertaking, work, project, scheme, act, matter or thing that has been approved by the Municipal Board, or resolution for, or that involves, directly or indirectly, the payment of money other than that provided in the estimates for the current year, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one that Certain acts
not to be
done by
councils
after polling
day

the council is required by law to do or is one that the council is authorized to do by a resolution or by-law passed before the day the poll is held or the day the members of council are declared elected under section 49, as the case may be. 1956, c. 50, s. 9.

Fiscal year
and audit

246. Notwithstanding any other provision in this Act or any general or special Act,

R.S.O. 1960,
c. 98

(a) the fiscal year of every municipality and local board, as defined in *The Department of Municipal Affairs Act*, is the calendar year from the 1st day of January to the 31st day of December; and

(b) the accounts referred to in section 232 are those of the next preceding fiscal year. 1953, c. 70, s. 8.

Power to
license in-
cludes power
to prohibit

247.—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it includes the power to prohibit the carrying on of or the engaging in it without a licence.

Who to fix
amount of
licence fee

(2) Except where the power of fixing the fee to be paid for the licence is expressly conferred on a board of commissioners of police, the council of the municipality, where by this or any other Act the council or the board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, may, subject to the limitations in the Act, fix the fee to be paid for the licence and the time for which it shall be in force and may provide for enforcing payment of the licence fee.

Licence fee
may be a
tax

(3) The licence fee may be in the nature of a tax for the privilege conferred by it. R.S.O. 1950, c. 243, s. 263 (1-3).

Discretion
as to grant-
ing or
refusing a
licence
R.S.O. 1960,
c. 396

(4) Subject to *The Theatres Act*, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or of revoking a licence under any of the powers conferred upon a council or a board of commissioners of police by this or any other Act, is in its discretion, and it is not bound to give any reason for refusing or revoking a licence and its action is not open to question or review by any court. R.S.O. 1950, c. 243, s. 263 (4); 1954, c. 56, s. 12 (1).

Certain
licences not
to be refused
by reason
only of loca-
tion of busi-
ness affected

(5) Notwithstanding subsection 4, a board of commissioners of police or a council shall not refuse to grant a licence with respect of the carrying on of any business by reason only of the location of such business where such business was being carried on at such location at the time of the coming into force of the by-law requiring such licence.

(6) Where a licence is revoked, the licensee is entitled to ^{Refund} a refund of a part of the licence fee proportionate to the ^{when licence} unexpired part of the term for which it was granted. R.S.O. 1950, c. 243, s. 263 (5, 6).

(7) Where, under this or any other Act, a board of commis- ^{Suspension} sioners of police is authorized to pass by-laws for licensing ^{of licences} any trade, calling, business or occupation or the person carrying on or engaged in it, and for revoking such licences, the board may by by-law authorize the chief constable of the municipality to suspend any such licence for such time and subject to such terms and conditions as the by-law may provide.

(8) No suspension of a licence by a chief constable is ^{Idem} effective after the expiration of two weeks from the date of suspension or after the time of the next meeting of the board after the suspension, whichever occurs first. 1954, c. 56, s. 12 (2), *part*.

(9) Notwithstanding subsection 4, the decision of a board ^{Appeal from} of commissioners of police in refusing or revoking a licence ^{revocation} is subject to an appeal therefrom to a judge of the Supreme Court whose decision is final. 1954, c. 56, s. 12 (2), *part*; 1955, c. 48, s. 26.

(10) The practice and procedure on and in relation to an ^{Practice} appeal made under subsection 9 shall be the same, as nearly as ^{on appeal} may be, as in the case of an appeal from a decision of the Master of the Supreme Court in an action or proceeding in the Supreme Court. 1954, c. 56, s. 12 (2), *part*.

248.—(1) Subject to section 249, and to section 6 of *The Ferries Act* and to section 100 of *The Telephone Act*, a council ^{Granting} shall not confer on any person the exclusive right of exercising, ^{monopolies} within the municipality, any trade, calling or business, or ^{prohibited} impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business. R.S.O. 1950, c. 243, s. 264 (1); 1955, c. 48, s. 27. ^{R.S.O. 1960, cc. 141, 394}

(2) This section does not prevent the council under the powers conferred by paragraph 1 of section 401 from limiting ^{Limiting} the number of licences and the number of tables to such num- ^{number of} ber as the council may deem fit even if the number be limited ^{pool and} to one. R.S.O. 1950, c. 243, s. 264 (2). ^{billiard} ^{tables and} ^{licences}

Exclusive
right to
maintain
waste-paper
boxes on
streets

249.—(1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain, for any period not exceeding ten years, iron waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

Location
of boxes

(2) The location of the boxes is subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and painted and the collections therein removed to the satisfaction of the city engineer and as often as he may direct.

Power to
control and
collect fees

(3) The council may,

- (a) regulate and control the type of construction of such boxes and from time to time vary and change the locations thereof;
- (b) allow the painting of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon;
- (c) fix and collect an annual fee from the owner thereof for the privilege granted;
- (d) keep such boxes clean and undertake the removal of the waste deposited therein. R.S.O. 1950, c. 243, s. 265.

Cold storage
business

250. The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation. R.S.O. 1950, c. 243, s. 266.

Borrowing
powers

251. Subject to the limitations and restrictions in this and any other Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor. 1955, c. 48, s. 28.

Debentures
for joint
under-
takings

252.—(1) Where, under this or any other general Act, two or more municipalities are authorized or required jointly to provide moneys for any purpose, and it is necessary to raise such moneys by the issue of debentures, the Municipal Board upon the application of the council of one or more of such municipalities may by order authorize one of such municipalities to raise the whole amount required by the issue of its debentures, or to raise its portion of the moneys and the portion of one or more of the other municipalities by the issue of its debentures, and may by its order relieve the other municipalities or such other municipalities, as the case may be, from the necessity of issuing debentures.

(2) Where, under an order of the Municipal Board under subsection 1, any municipality issues debentures for the portion of the moneys required to be raised by another municipality, the other municipality shall provide and raise by a special rate on all the rateable property in the municipality liable therefor, in each year of the currency of the debentures, a sum sufficient to pay its share of the principal and interest falling due in such year upon such debentures, such share to be determined in the proportion that that municipality's portion of the moneys required to be raised bears to the total amount of the debenture issue. R.S.O. 1950, c. 243, s. 268 (1, 2). ^{Annual rates}

(3) The sum to be raised annually by such other municipality to pay its share of any principal or interest falling due in any year upon any such debentures shall be paid to the treasurer of the municipality that issued the debentures before the day such principal or interest becomes due. 1956, c. 50, s. 10. ^{Payment to municipality issuing debentures}

(4) No order of the Municipal Board under this section shall require a municipality, without its consent, to issue debentures to provide moneys required to be raised by another municipality. ^{Consent required}

(5) This section does not apply where the Act under which the moneys are authorized or required to be raised contains provisions similar in effect to the provisions of this section. R.S.O. 1950, c. 243, s. 268 (4, 5). ^{Limited application of section}

AUTHENTICATION OF BY-LAWS

253.—(1) Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council or by the presiding officer at the meeting at which the by-law was passed and by the clerk. ^{How by-laws to be authenticated}

(2) Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all courts without proof of the seal or signature. ^{Proof of seal or signature not required}

(3) Where, by oversight, the seal of the corporation has not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law is as valid and effectual as if it had been originally sealed. ^{Omission to affix seal}

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all courts without proof of the seal or signature. R.S.O. 1950, c. 243, s. 269. ^{Certified copy of by-law}

CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW

Certificate
of clerk
that appli-
cation for
by-law duly
signed

254.—(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk or, where there is an assessment commissioner, the assessment commissioner has certified that the application was sufficiently signed.

Powers
of clerk

(2) For the purposes of this section, the clerk and the assessment commissioner have all the powers of the clerk under section 15 of *The Local Improvement Act*.

R.S.O. 1960,
c. 223

Certificate
to be
conclusive

(3) Where the clerk or assessment commissioner has so certified, his certificate is conclusive that the application was sufficiently signed. R.S.O. 1950, c. 243, s. 270.

PART X

VOTING ON BY-LAWS

Interpre-
tation

255. In this Part,

- (a) "by-law" includes a resolution and a question upon which the opinion of the electors is to be obtained;
- (b) "electors" means the persons entitled to vote on the by-law;
- (c) "judge" means the judge or junior judge of the county or district court of the county or district in which the municipality, the council of which submits the by-law, is situate;
- (d) "proposed by-law" means a by-law submitted for the assent of the electors. R.S.O. 1950, c. 243, s. 271.

Bribery
sections, etc.,
to apply to
voting on
any by-law
or question

256. All the provisions of this Act, prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to the election of members of municipal councils apply *mutatis mutandis* to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. R.S.O. 1950, c. 243, s. 272.

If a by-law
requires the
assent of
the electors,
mode of
obtaining
same

257.—(1) Where a by-law requires the assent or is submitted to obtain the opinion of the electors, except where otherwise provided the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken and a deputy returning officer to take the votes at every such place.

(2) Where a municipality is divided into wards, there shall ^{Wards} be at least one polling place in each ward.

(3) The date appointed shall not be less than three or more ^{Date of} than five weeks after the first publication of the notice herein- ^{taking vote} after mentioned. R.S.O. 1950, c. 243, s. 273 (1-3).

(4) The by-law for taking the vote shall also appoint a time ^{Time and} when, and a place where, the clerk will sum up the number of ^{place for} votes given for and against the proposed by-law, or in the ^{summing} affirmative and the negative on the question and a time and a ^{up votes,} place for the appointment of persons to attend at the polling ^{etc., by} places, and at the final summing up of the votes by the clerk, ^{clerk} on behalf of the persons interested in and promoting or opposing the by-law or voting in the affirmative or the negative on the question.

(5) A copy of the proposed by-law or a statement of the ^{Publication} question submitted, as the case may be, shall be published once ^{of by-law} a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and, in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and, in the case of a money by-law or a question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario, stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 4 of section 260. R.S.O. 1950, c. 243, s. 273 (5, 6).

(6) The notice shall also state the day and places appointed ^{Notice} for taking the votes, except where the votes are to be taken at the same time as the municipal election, and, in that case, shall state that the votes will be taken at the municipal election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk. R.S.O. 1950, c. 243, s. 273 (7); 1958, c. 64, s. 16 (2).

(7) Instead of publishing a copy of the proposed by-law, ^{Synopsis} the council may publish a synopsis of it, containing a concise ^{of by-law} statement of its purpose, the amount of the debt or liability to ^{may be} be created or the money to be raised by it, how the same is to ^{published} be payable, and the amount to be raised annually for the payment of the debt, and the interest or the instalments, if the debt is to be paid by instalments.

By-laws,
questions, in
one notice

(8) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice. R.S.O. 1950, c. 243, s. 273 (8, 9).

By-laws,
questions, in
one ballot

258. Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be placed upon one ballot paper. R.S.O. 1950, c. 243, s. 274.

Appoint-
ment of
persons to
attend at
polling
places and
at final sum-
ming up of
votes

259.—(1) The head of the council, or a member of it appointed for that purpose by resolution, shall attend at the time and place appointed and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the proposed by-law or voting in the affirmative on the question, and a like number on behalf of the persons interested in and desirous of opposing the proposed by-law or voting in the negative on the question.

Declaration

(2) Before any person is so appointed, he shall make and subscribe a declaration (Form 24).

Appoint-
ment to be
produced

(3) A person so appointed, before being admitted to the polling place or to the summing up of the votes, shall, if so requested, produce and show his appointment to the deputy returning officer.

When elector
may act

(4) In the absence of a person so appointed or if no person has been appointed, any elector, upon making and subscribing, before the returning officer or deputy returning officer, a declaration (Form 24), may be present at a polling place or at the final summing up of the votes, as the case may be. R.S.O. 1950, c. 243, s. 275.

Persons
qualified to
vote on
money
by-laws

260.—(1) The persons qualified to vote on a money by-law are those entitled to vote at an election with the following exceptions:

- (a) tenants, other than those mentioned in subsection 4;
- (b) farmers' sons;
- (c) farmer's daughter or farmer's sister;
- (d) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clause *d* or *e* of subsection 1 of section 37. R.S.O. 1950, c. 243, s. 276 (1); 1955, c. 48, s. 29.

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 261 is to be prepared or in the case provided for by section 82 would, had it been a male person, have been entitled to be entered on such list of voters is also qualified to vote. R.S.O. 1950, c. 243, s. 276 (2). Nominee of corporation

(3) Where a corporation is assessed as owner of residential property consisting of units or apartments that are owned on a co-operative basis, the corporation may nominate a person to vote on money by-laws for each unit or apartment separately assessed on the last revised assessment roll. 1957, c. 76, s. 13. Where corporation assessed for residential property owned on a co-operative basis

(4) A tenant whose lease extends for the time for which the debt or liability is to be created or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk, not later than the tenth day before the day appointed for taking the vote, a declaration under the *Canada Evidence Act* so stating, is entitled to have his name entered on the list of voters prepared by the clerk under section 261. Qualification of tenants
R.S.C. 1952, c. 307

(5) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law, it shall, not later than the tenth day before the day appointed for taking the vote, file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. R.S.O. 1950, c. 243, s. 276 (3, 4). Appointment of nominee of corporation to be filed with clerk

261.—(1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 262 and to section 25 of *The Voters' Lists Act*, the list so prepared is final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote. R.S.O. 1950, c. 243, s. 277 (1); 1954, c. 56, s. 13. Preparation of list of voters
R.S.O. 1960, c. 420

(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 82 from the last revised assessment roll, omitting from his list the From last revised voters' list or assessment roll

names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law.

Designating
tenants
entitled to
vote

(3) When the voting is to take place at the same time as the municipal elections, it is sufficient, in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law", and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2.

Clerk to
certify

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. R.S.O. 1950, c. 243, s. 277 (2-4).

Revision
of list by
judge

262.—(1) At any time not later than five days before the day appointed for taking the vote, a judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongfully entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list or who, if a tenant, though he had not made the declaration prescribed by subsection 4 of section 260, establishes that he has the qualification prescribed by that section.

Proof of
death

(2) For the purpose of proving a death, the certificate of the Registrar General is sufficient evidence, but, if the identity of the person who is dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required. R.S.O. 1950, c. 243, s. 278 (1, 2).

Proceedings
R.S.O. 1960,
c. 420

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 23 of *The Voters' Lists Act*. R.S.O. 1950, c. 243, s. 278 (3); 1954, c. 56, s. 14.

Voters' list
where all
municipal
electors
vote

263. Where all the municipal electors are entitled to vote on the proposed by-law, the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists are as final and conclusive as to the right to vote as when used at a municipal election. R.S.O. 1950, c. 243, s. 279.

264. In a municipality divided into wards, a voter is entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but is not entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law or other authority under which the vote is taken. R.S.O. 1950, c. 243, s. 280.

265. The clerk, if otherwise qualified, is entitled to vote, but not to give a casting vote. R.S.O. 1950, c. 243, s. 281.

266.—(1) The ballot papers shall be according to Form 25 when the voting is on a by-law, and according to Form 26 when it is on a question.

(2) In a municipality divided into wards or polling subdivisions, or both, the ballot paper, Form 25 or 26, may by by-law be varied to show the names or numbers of the wards and the numbers of the polling subdivisions, and the form of ballot paper illustrated in Form 27 shall be varied accordingly. R.S.O. 1950, c. 243, s. 282.

267. The printed directions to voters shall be according to Form 27. R.S.O. 1950, c. 243, s. 283.

268.—(1) Where all the municipal electors are entitled to vote, the voter's oath shall be the same *mutatis mutandis* as at a municipal election where the members of the council are elected by general vote.

(2) In the case of a money by-law, a voter is not entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification as an owner or tenant, as it appears in the list of voters. R.S.O. 1950, c. 243, s. 284.

269. Except as otherwise in this Part provided, Part III applies *mutatis mutandis* to voting on a by-law. R.S.O. 1950, c. 243, s. 285.

270. After the clerk has summed up the number of votes cast, he shall declare the result of the voting and shall forthwith certify to the council the number of votes cast for and against the by-law. R.S.O. 1950, c. 243, s. 286.

271. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. R.S.O. 1950, c. 243, s. 287.

Procedure
in case of
a county
by-law

272. Where the by-law is proposed to be passed by a county council, the proceedings shall be similar to those in the case of a by-law proposed to be passed by the council of a local municipality except that the list of voters for each local municipality shall be prepared by the clerk of it and not by the clerk of the county council, and that the declaration and appointment provided for by subsections 4 and 5 of section 260 shall be filed with the clerk of the local municipality. R.S.O. 1950, c. 243, s. 288.

SCRUTINY

Scrutiny
may be had
on applica-
tion to
county or
district
judge

273.—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the judge directs, may apply to a judge of the county or district court of the county or district in which the municipality is situate for a scrutiny of the votes, and, if it is shown by affidavit that there are reasonable grounds for the application and, if the application is by a person entitled to vote on the by-law, he enters into a recognizance before the judge and to be allowed by him in the sum of \$100, with two sureties in the sum of \$50 each, conditioned to prosecute the application with effect and to pay to any person to whom costs may be awarded the costs awarded to him, the judge may order a scrutiny of the votes to be had and shall appoint a time and place within the municipality for proceeding with it.

Notice of
time of
scrutiny

(2) At least one week's notice of the time and place appointed shall be given by the applicant to such persons as the judge directs and to the clerk.

Proceedings

(3) At the time and place appointed, the clerk shall attend before the judge with the ballot papers, and the judge after hearing such evidence as he may deem necessary and the parties, or such of them as attend, or their counsel, shall in a summary manner determine whether the by-law has been assented to as required by this Act and shall forthwith certify the result to the council. R.S.O. 1950, c. 243, s. 289 (1-3).

Striking
off votes
for
corrupt
practices

(4) Where it is proved that any person interested in and promoting or opposing the by-law was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, there shall be struck off the number of votes given for the by-law if the person guilty was promoting the by-law, or given against the by-law if the person guilty was opposing the by-law, one vote for every ballot cast by such voter. R.S.O. 1950, c. 243, s. 289 (4), *amended*.

(5) The judge has the like power and authority as to all matters arising upon the scrutiny as would be possessed by him upon a trial of the validity of the election of a member of a council, but does not have power to set aside the voting on the ground of general bribery or corrupt practices, and the costs are in the discretion of the judge who may direct by whom, to whom, and in what manner they shall be paid. Powers of judge

(6) The decision of the judge is final and not subject to appeal. R.S.O. 1950, c. 243, s. 289 (5, 6). No appeal

PASSING BY-LAWS BY COUNCIL

274.—(1) Subject to subsection 5, where a proposed by-law that the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it is the duty of the council to pass the by-law within six weeks after the voting took place. Cases in which council must pass by-law assented to by electors

(2) Subject to subsection 5, in other cases it is not incumbent on the council to pass the by-law, but, if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards. Discretion of council in other cases

(3) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared or, if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the judge. Time within which by-law cannot be passed

(4) The time that intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the six weeks. Time occupied by scrutiny not to be counted

(5) The Municipal Board may, upon the application of the council, extend the time for passing the by-law beyond such period of six weeks, and such extension of time may be made although the application for the extension is not made until after the expiration of such period of six weeks, and in such case the by-law may be passed within such extended time. R.S.O. 1950, c. 243, s. 290. Extension of time for passing by-law

PROMULGATION OF BY-LAWS

275.—(1) The promulgation of a by-law consists of the publication of a true copy of it, with a notice (Form 28) appended thereto, at least once a week for three successive weeks. R.S.O. 1950, c. 243, s. 191 (1). Promulgation of by-laws

(2) Instead of publishing a true copy of the by-law, a synopsis of it may be published, containing a concise statement of its purposes, the amount of any debt or liability to be created or money to be raised by it, how the same is to be payable, Synopsis of by-law may be published

and the amount to be raised annually for the payment of the debt, and the interest or the instalments, if the debt is to be paid by instalments. 1956, c. 50, s. 11.

If not moved
against
within
the time
limited to
be valid

(3) If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the council. R.S.O. 1950, c. 243, s. 291 (2).

PART XI

QUASHING BY-LAWS

Interpre-
tation

276. In this Part, "by-law" includes an order or resolution. R.S.O. 1950, c. 243, s. 292.

Proceedings
to quash
by-law

277.—(1) The Supreme Court upon application of a resident of the municipality or of a person interested in a by-law of its council may quash the by-law in whole or in part for illegality.

Service of
notice

(2) Notice of the application shall be served at least seven days before the return day of the motion.

Recog-
nizance

(3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf shall enter into a recognizance before a judge of the county or district court of the county or district in which the municipality is situate, with two sureties in the sum of \$100, conditioned to prosecute the application with effect and to pay any costs that may be awarded against the applicant.

Allowance of
recogni-
zance

(4) The judge may allow the recognizance upon the sureties making proper affidavits of justification and, after it is allowed, the recognizances with the affidavits shall be filed in the office of the Registrar of the Supreme Court.

Deposit in
court in
lieu of re-
cognizance

(5) In lieu of the recognizance, the applicant may pay into court \$100, and the certificate of the payment into court shall be filed in the office of the Registrar.

Application
of deposit

(6) After the determination of the proceedings, the judge may order that the money paid into court be applied in payment of costs or be paid out to the applicant. R.S.O. 1950, c. 243, s. 293.

Quashing
by-law for
corrupt
practice

278. A by-law, in respect of the passing of which a contravention of any of the provisions of sections 178 to 180 has taken place, may be quashed. R.S.O. 1950, c. 243, s. 294.

279.—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law. Application to quash by-law affecting another municipality

(2) Where the application is made by a municipal corporation, security for costs shall not be required. No security required from municipality

(3) Where the application is based upon an allegation of a contravention of any of the provisions of sections 178 to 180, either alone or in conjunction with any other ground of objection, the Supreme Court may direct an inquiry as to the alleged contravention to be had before a special examiner or a judge of the county or district court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath. Inquiry by county or district judge where corrupt practices alleged

(4) After the completion of the inquiry, the special examiner or the judge shall return the evidence taken before him to the proper officer of the Supreme Court, and the same may be read in evidence upon the motion to quash. Return of evidence to officer of Supreme Court

(5) Where an order directing an inquiry has been made under subsection 3 and a copy of it has been left with the clerk of the municipality, unless the Supreme Court otherwise orders, nothing shall be done under the by-law until the application is disposed of. No act to be done under by-law pending inquiry

(6) In other cases, the Court may direct that nothing shall be done under the by-law until the application is disposed of. Other cases
R.S.O. 1950, c. 243, s. 295.

280. An application to quash, in whole or in part, a by-law, except a money by-law registered under section 293, shall not be entertained unless made within one year after the passing of the by-law, but, if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time. R.S.O. 1950, c. 243, s. 296. Time for making application to quash

PART XII

MONEY BY-LAWS

281. "Rateable property", when used in this Act or in any by-law heretofore or hereafter passed that directs the levying of a rate on the rateable property in the municipality or any part of it, includes business assessment within the meaning of *The Assessment Act*. R.S.O. 1950, c. 243, s. 297 (2). Interpretation

282.—(1) A money by-law shall provide that the whole debt and the debentures, if any, to be issued therefor shall be When debentures to be made payable

R.S.O. 1960,
c. 23

made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued,

R.S.O. 1950, c. 243, s. 298 (2), *part*;
1959, c. 62, s. 8 (2).

- (a) if the debt is for railways, harbour works or improvements, sewers, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefore, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drill-shed or armoury, in thirty years;
- (b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years;
- (c) if the debt is for the purchase of road-making machinery and appliances, in five years; R.S.O. 1950, c. 243, s. 298 (2), *cls. (a-c)*.
- (d) if the debt is for any other purpose, in such term of years as the Municipal Board may approve. 1952, c. 63, s. 10 (2).

Principal
and interest
payments

(2) A money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. 1952, c. 63, s. 10 (3), *part*; 1959, c. 62, s. 8 (3).

Amount to
be raised
annually

(3) A money by-law for the issuing of debentures shall provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act or in accordance with subsection 13. 1952, c. 63, s. 10 (3), *part*; 1959, c. 62, s. 8 (4).

By-law to
change mode
of issuing
debentures

(4) The council may by by-law, without the assent of the electors, authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the council, upon again acquiring them, or at the request of any

holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(5) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures,
when to be
dated and
issued

(6) All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date. R.S.O. 1950, c. 243, s. 298 (5-7).

Date of
debentures

(7) Notwithstanding the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 5 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year. R.S.O. 1950, c. 243, s. 298 (8); 1954, c. 56, s. 15.

Idem

(8) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(9) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(10) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing.

Day when
by-law to
take effect

(11) Notwithstanding any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. R.S.O. 1950, c. 243, s. 298 (9-12).

Consolida-
tion

(12) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the

Redemption
before
maturity

corporation on any date prior to maturity, subject to the following provisions:

- | | |
|--|--|
| Place of payment and value | (a) The by-law and every debenture that is so redeemable shall specify the place of payment and the value at which such debenture may be so redeemed. |
| Interest | (b) The principal of every debenture that is so redeemable shall become due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the amount thereof. |
| Notice to registered owner | (c) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book. |
| Publication of notice | (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in <i>The Ontario Gazette</i> and in a newspaper of general circulation, if any, in the municipality and in such other manner as the by-law may provide. |
| Order in which debentures to be redeemed | (e) Where only a portion of the debenture issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates, and no debenture issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date. |
| Effect of redemption | (f) Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof. R.S.O. 1950, c. 243, s. 298 (13); 1955, c. 48, s. 30. |
- (13) Notwithstanding anything in this section, if a municipality will be liable for a portion of the annual carrying charges on a debt intended to be created on behalf of two or more municipalities, such municipality may pass a by-law providing for raising, by a special rate on all the rateable property liable therefor in the municipality in each year of the currency of the debt, its share of the principal and interest falling due in each such year, and the by-law shall provide that such share shall be determined as provided in the Act authorizing the issue of the

debentures and need not provide for the raising of a specific sum in each year of the currency of the debt. 1952, c. 63, s. 10 (4).

283.—(1) Notwithstanding any other provision in this Act or any other Act, where separate debenture by-laws have been passed authorizing the borrowing of sums for two or more purposes, instead of borrowing the separate sums thereby authorized to be borrowed and issuing debentures therefor, the council may by by-law, hereinafter called a consolidating by-law, provide for borrowing the aggregate of such sums and for issuing one series of debentures therefor.

(2) The consolidating by-law shall clearly specify, by recital or otherwise, in respect of what separate by-laws it is passed.

(3) It is not necessary that the consolidating by-law shall impose any rate to provide for the payment of debentures issued under it or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

(4) A consolidating by-law passed under this section may authorize the issue of debentures in one series notwithstanding that some of the debentures may be for different terms of years from the other debentures to be issued thereunder, provided that the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums that would have been raised under the separate by-laws had no consolidating by-law been passed.

(5) Debentures issued pursuant to a consolidating by-law passed under this section need not refer to the separate by-laws in respect of which the consolidating by-law is passed. 1954, c. 56, s. 16.

284.—(1) Notwithstanding section 282, with the approval of the Municipal Board, a money by-law for the issuing of debentures may provide that the principal of the debt be made payable at a fixed date with interest payable annually or semi-annually. 1955, c. 48, s. 31, *part*; 1959, c. 62, s. 9.

(2) The by-law shall provide for the raising in each year during the currency of the debentures, or any set of them, by a special rate on all the rateable property in the municipality of,

- (a) a specific amount, sufficient to pay the interest on the debentures, or any set of them, when and as it becomes due; and

- (b) a specific amount which, with the estimated interest, at a rate not exceeding 3 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when and as it becomes due,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts
payable to
Treasurer of
Ontario

(3) Every money by-law passed under this section shall provide that the annual amounts to be raised under clause b of subsection 2 shall be paid by the treasurer of the municipality to the Treasurer of Ontario in each year during the term of the debentures on or before the date of the debentures and subsections 2 to 7 of section 315 apply to such amounts. 1955, c. 48, s. 31, *part*.

Debentures
expressed
in foreign
currency

285.—(1) The authority conferred upon municipalities by this Act and any other general or special Act to borrow or raise money for any purpose and to issue debentures therefor extends to and shall be deemed always to have extended to include power to borrow and raise such money and to issue such debentures expressed and payable in sterling money of Great Britain or dollars of the United States of America for such principal amount as the council may deem necessary to realize the sum required for such purpose.

Annual
rates

(2) Where under any by-law of a municipality debentures issued thereunder are expressed and made payable in sterling or dollars of the United States of America, the council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon and to meet sinking fund payments or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary 1952, c. 63, s. 11, *part*.

Approval of
Municipal
Board

(3) No by-law for the borrowing and raising of money or the issue of debentures expressed and payable in sterling or dollars of the United States of America shall be passed finally until approved by the Municipal Board and sections 67 to 69 of *The Ontario Municipal Board Act* apply *mutatis mutandis* with respect to such approval. 1952, c. 63, s. 11, *part*; 1960, c. 69, s. 10.

R.S.O. 1960,
c. 274

286.—(1) Subject to the limitations and restrictions in this Corporation may incur debt and any other Act, a corporation may incur a debt for the purposes of the corporation whether under this or any other Act, but shall not incur any debt the payment of which is not provided for in the estimates for the current year unless a by-law of the council authorizing it has been passed with the assent of the electors. 1959, c. 62, s. 10 (1).

(2) A corporation shall not be deemed to be incurring a debt the payment of which is not provided for in the estimates of the current year, with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality, Projects for which corporation not deemed to incur debt payment of which is not provided for in estimates

- (a) premium notes given for fire insurance;
- (b) arrangements to provide pensions under paragraph 59 of section 377;
- (c) grants for retiring allowances under section 240;
- (d) agreements for fire protection under paragraph 1 of section 377;
- (e) agreements for area fire protection under paragraph 3 of section 394;
- (f) agreements with respect to court houses and jails under section 363;
- (g) agreements respecting policing of the whole or any part of a municipality by the Ontario Provincial Police Force under section 53 of *The Police Act*; R.S.O. 1960, c. 298
- (h) agreements respecting the establishment of health units under section 35 of *The Public Health Act*; R.S.O. 1960, c. 321
- (i) agreements for sharing the cost of services of officers and employees of municipalities or local boards;
- (j) agreements respecting maintenance and repair of boundary roads under section 426;
- (k) agreements respecting juvenile and family courts under section 11 of *The Juvenile and Family Courts Act*; R.S.O. 1960, c. 201
- (l) agreements respecting isolation hospitals under section 44 of *The Public Health Act*;
- (m) agreements for a term not exceeding five years respecting the provision, maintenance or hiring of an ambulance by a board of health under section 29 of *The Public Health Act* when such agreement has been approved by the council of the corporation;

R.S.O. 1960,
c. 174

(n) agreements respecting homes for the aged under *The Homes for the Aged Act*;

(o) agreements respecting water supply under paragraph 2 of section 377;

(p) agreements respecting the management and operation of systems and services under paragraph 5 of section 377;

(q) agreements for watering or oiling highways under paragraph 7 of section 377;

(r) agreements respecting bus franchises under paragraph 88 of subsection 1 of section 379;

R.S.O. 1960,
c. 300

(s) agreements under *The Power Commission Act* with The Hydro-Electric Power Commission of Ontario on its behalf or on behalf of Her Majesty in right of Ontario;

(t) agreements respecting matters of employment of officers, servants and employees of the corporation or a local board thereof. 1957, c. 76, s. 14 (1); 1960, c. 69, s. 11 (1, 2).

Exceptions

(3) Subsection 1 does not apply to a by-law passed,

(a) under section 288 or paragraph 52 of subsection 1 of section 379; or

(b) for providing money for any of the purposes mentioned in paragraph 17, 35, 42, 59, 65, 66, 67 or 69 of section 377, or in subclause ii or iii of clause b of section 378, or in paragraph 49, 75, 76 or 77 of subsection 1 of section 379; or

R.S.O. 1960,
cc. 223, 252

(c) under *The Local Improvement Act* or *The Municipal Drainage Act*; or

(d) by the council of a county, or of a city that forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

(e) by the council of a city or a separated town for providing such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or

- (f) by the council of a city with the approval of the Municipal Board for providing such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream that constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be provided for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or
- (g) by the council of any municipality with the approval of the Municipal Board for providing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement that, by the terms of any order of the Board of Transport Commissioners for Canada or of the Municipal Board, the municipality is or has been authorized or required to undertake or pay, or of any work or improvement that, in the opinion of the Municipal Board, is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but, where any such work or improvement is or has been merely authorized but not required to be undertaken by the municipality, no sum or sums may be provided hereunder unless the work was undertaken with the approval of the Municipal Board; or
- (h) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drill-shed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two-thirds of all the members of the council; or
- (i) for providing money for any of the purposes mentioned in section 63 or 65 of *The Public Schools Act*, or subsection 1 of section 7, section 31 or subsection 5 of section 35 of *The Secondary Schools and Boards of Education Act*, or section 43 of *The Public Libraries Act*; or R.S.O. 1960,
c. 330, 362,
s. 325
- (j) for providing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto; or

(k) under section 470; or

R.S.O. 1960,
c. 321

(l) for providing any sum or incurring any debt that under *The Public Health Act* may be provided or incurred without the assent of the electors; or

(m) under section 35 of *The Public Health Act*. 1959, c. 62, s. 10 (2); 1960, c. 69, s. 11 (3).

Contracts
for supply
of public
utility

R.S.O. 1960,
c. 98

287.—(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of any service of a public utility as defined in *The Department of Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may with the like assent renew such contract from time to time for such further term of years as the Municipal Board may approve. 1951, c. 53, s. 11; 1957, c. 76, s. 15; 1959, c. 62, s. 11.

Where
particular
areas only
are bene-
fited

(2) Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on all the rateable property in such area to defray the cost thereof. R.S.O. 1950, c. 243, s. 301 (2).

Special
power of
county to
borrow

288.—(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure and over and above any sum that the council is by this or any other Act expressly authorized to borrow without the assent of the electors. R.S.O. 1950, c. 243, s. 302 (1).

Passing of
by-law

(2) Subject to subsection 3, the by-law shall be passed at a meeting specially called for the purpose of considering it and held not less than six weeks after the first publication of a notice of the day appointed for the meeting which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed.

Adjourned
meeting

(3) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned. R.S.O. 1950, c. 243, s. 302 (3, 4).

When rate
of interest
may be
varied

289.—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be

provided under the by-law under which such debentures were issued, the Municipal Board may authorize the council, without the assent of the electors, to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 325 at any time heretofore or hereafter made does not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof. R.S.O. 1950, c. 243, s. 303. Special assessments and levies

290.—(1) Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law, when part only of money raised

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1950, c. 243, s. 304. When to take effect

291. Subject to section 290, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appro- Until debt paid certain by-laws cannot be repealed

priating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation that has been directed to be applied to such payment. R.S.O. 1950, c. 243, s. 305.

Penalty for neglect of officer to carry out by-law

292. Every officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1950, c. 243, ss. 306, 493.

REGISTRATION OF MONEY BY-LAWS

Money by-laws may be registered

293.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate and, in the case of a local municipality, in the registry division in which it is situate or, if the municipality comprises parts of two or more registry divisions, in either of them. R.S.O. 1950, c. 243, s. 307 (1); 1958, c. 64, s. 18 (1).

Application to quash registered by-law, when to be made
R.S.O. 1960, c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law, registered in accordance with subsection 1 or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed unless within one month after the registration in the case of by-laws passed under *The Municipal Drainage Act* or *The Local Improvement Act* and, in the case of other by-laws, within three months after the registration an application or action to quash the by-law is made to or brought in a court of competent jurisdiction and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be. R.S.O. 1950, c. 243, s. 307 (4); 1958, c. 64, s. 18 (3).

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but

part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, after the expiration of that period is valid and binding according to its terms.

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered and, after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law that requires but has not received the assent of the electors or a by-law where it appears on the face of it that any of the provisions of subsections 1 and 3 of section 282 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1950, c. 243, s. 307 Failure to register
(5-9).

PART XIII

YEARLY RATES AND ESTIMATES

294.—(1) The council of every local municipality in each year shall levy on the whole of the assessment for property and business assessment, according to the last revised assessment roll, a sum equal to the aggregate of the sums required by law to be provided by the council for school purposes and for any board, commission, county or other body. Rates for school purposes and boards, etc.

(2) The council of every local municipality in each year shall levy on the whole of, Rates for general purposes on commercial property and business assessment

(a) the assessment for real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof; and

(b) the business assessment; and

(c) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for

the payment within the year of the sums adopted under section 297 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessments under clauses *a*, *b* and *c* bears to the total assessment for real property and business assessment according to the last revised assessment roll. 1958, c. 64, s. 19, *part*.

Rates for general purposes on residential and farm property

(3) The council of every local municipality in each year shall levy on the whole assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, a sum equal to the proportion of the aggregate amount of the sums necessary for payment within the year of the sums adopted under section 297 for general purposes, not including any sums for the purposes referred to in subsection 1, that the total of the assessment for real property, except the assessment for real property mentioned in clauses *a* and *c* of subsection 2, according to the last revised assessment roll, bears to the total assessment for real property and business assessment according to such roll, less the amount of the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*. 1958, c. 64, s. 19, *part*; 1959, c. 62, s. 12.

R.S.O. 1960, c. 259

Where rates to be levied on full values

295.—(1) Notwithstanding any other provision in this Act or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 35 of section 377 or in section 378 or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation applies thereto, except as provided in section 4 of *The Assessment Act*. R.S.O. 1950, c. 243, s. 309 (1); 1955, c. 48, s. 34.

R.S.O. 1960, c. 23

Fixed assessment exemptions to be included

(2) The council of a county in levying a rate for any of the purposes set out in subsection 1 shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment. R.S.O. 1950, c. 243, s. 309 (3).

Federation of Agriculture, special rate

296.—(1) The council of a township may, subject to the approval of the Department, by by-law assess and levy a special rate not exceeding one-half of one mill upon the rate-payers of the township who are entered on the assessment roll as farmers as the annual membership fees of such persons in the Federation of Agriculture. R.S.O. 1950, c. 243, s. 310 (1).

(2) The council of a township may, subject to the approval of the Department, by by-law vary the special rate assessed and levied under subsection 1, but not so as to exceed one-half of one mill. Power to vary special rate

(3) A by-law passed under subsection 1 or 2 remains in force until amended or repealed, and it is not necessary to pass such by-law annually. 1955, c. 48, s. 35. By-law in force until repealed

(4) Any person to whom subsection 1 applies may, within thirty days after delivery of the notice of assessment, in writing notify the clerk that he objects to the assessment provided for in subsection 1, and thereupon the clerk shall amend the assessment roll by striking out the assessment made under subsection 1 in respect of such person and shall write his name or initials against such amendment and deliver a notice of assessment amended accordingly to such person. R.S.O. 1950, c. 243, s. 310 (2); 1953, c. 70, s. 9. How special rate may be avoided

(5) The rate mentioned in subsection 1 shall be assessed, levied and collected in the same manner as local rates and shall be similarly calculated upon the assessments as finally revised and shall be entered in the collector's roll in a special column the heading whereof shall be designated "Federation of Agriculture Membership Fees", but does not form a charge upon land and is not subject to penalty for non-payment. Nature of special rate

(6) The township treasurer shall deposit the sums collected under this section in a special account and shall from time to time upon demand pay such sums to the treasurer of the Federation of Agriculture for the county in which the township is situate. Deposit of sums collected

(7) The township treasurer shall on the date fixed by statute for the return of the collector's roll prepare and forward to the treasurer of the Federation of Agriculture for the county in which the township is situate a list of the names of the ratepayers to whom the by-law mentioned in subsection 1 is applicable and whose rates thereunder have not been collected and thereupon the duty of the township treasurer to collect such rates terminates. Termination of duty to collect

(8) The township treasurer shall deduct from the sums collected such amounts for the services rendered as may be authorized in writing by the treasurer of the Federation of Agriculture for the county in which the township is situate and shall pay such amounts into the general funds of the township. R.S.O. 1950, c. 243, s. 310 (3-6). Payment of services

297.—(1) The council of every municipality shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the municipality, including a sum Yearly estimates and contents

sufficient to pay all debts of the corporation falling due within the year and any amounts required to be raised for sinking funds, and including the sums required by law to be provided by the council for school purposes and for any board, commission or other body, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. R.S.O. 1950, c. 243, s. 311 (1); 1959, c. 62, s. 13 (1).

Allowances
to be
made in
estimates

(2) In preparing the estimates the council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and for uncollectable taxes and may provide for taxes that it is estimated will not be collected during the year and for such other reserves within such limits as to type and amount as the Department may approve, but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*. 1959, c. 62, s. 13 (2).

R.S.O. 1960,
c. 259

Rating
by-laws

(3) One by-law or several by-laws for levying the rates may be passed as the council may deem expedient.

Form of
estimates

(4) The Department may prescribe the form of estimates to be prepared by the council and may from time to time vary the same.

Yearly
estimates
from other
boards, etc.

(5) The council may by by-law require that the estimates for the current year of every board, commission or other body for which the council is by law required to levy any rate or provide money shall be submitted to the council on or before the 1st day of March in each year, and that such estimates shall be in the form and give the particulars that the by-law prescribes. R.S.O. 1950, c. 243, s. 311 (3-5).

Reserve
funds
R.S.O. 1960,
c. 98

298.—(1) Every municipality as defined in *The Department of Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year, if authorized by a two-thirds vote of the members, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Investments and income R.S.O. 1960, c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose, other than that for which the fund was established, without the approval of the Department. Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1. 1951, c. 53, s. 12. Auditor to report on reserve funds

299.—(1) Where a contribution is received by a municipal corporation in consideration of the expense incurred or to be incurred by the corporation as a result of a proposed subdivision of land, such contribution shall be used only to meet expenditures for work done within the subdivision or for the benefit or use of the occupiers or subsequent occupiers of the land within the subdivision or to meet expenditures incurred wholly or in part by reason of the subdivision of such land and, where a contribution is made for a specific purpose, it may be used only to meet expenditures for such purpose. Contributions re expenses incurred by corporation re proposed subdivision of land

(2) Such contributions shall be paid into a special account and subsection 2 of section 298 applies *mutatis mutandis* thereto. Special account

(3) Notwithstanding subsection 1, if any of the contributions referred to in subsection 1 are not required or likely to be required for the purposes mentioned in subsection 1, they may, with the approval of the Department, be expended for some other purpose. 1958, c. 64, s. 20. Use for other purposes

300.—(1) Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them. If the amount collected falls short

(2) Where the amount collected exceeds the estimates, the surplus forms part of the general funds and is at the disposal of the council, unless otherwise specially appropriated. R.S.O. 1950, c. 243, s. 313. When sums collected exceed estimate

301. The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. R.S.O. 1950, c. 243, s. 314. Rates to be due on January 1st

PART XIV

RESPECTING FINANCES

ACCOUNTS AND INVESTMENTS

Investment
of moneys
not im-
mediately
required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in Government of Canada or Province of Ontario treasury bills or short-term bonds provided that the treasury bills or short-term bonds become due and payable before the moneys invested therein are required by the municipality and all interest thereon shall be credited to the fund from which the moneys were invested. 1956, c. 50, s. 13.

Application
of proceeds
of debentures

303.—(1) Subject to subsections 2 and 3, money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the municipality. R.S.O. 1950, c. 243, s. 315; 1958, c. 64, s. 21 (1).

Application
of surplus
funds raised
on debentures

(2) Subject to subsection 3, when the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows:

- (a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.
- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly. 1951, c. 53, s. 13; 1959, c. 62, s. 14 (1).

Application
of amounts
not required
for purposes
of debentures

(3) Where the whole or any part of the amount realized from the sale or hypothecation of any debentures is not required for the purpose or purposes for which the debentures were issued, it may be applied to buy back the debentures or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which if raised by taxation would be raised by taxation levied upon the assessment of the same class of rate-payers as would have been levied upon to meet the debt

charges if the amount had been expended for the purpose or purposes for which the debentures were issued. 1958, c. 64, s. 21 (2); 1959, c. 62, s. 14 (2).

304.—(1) Every council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debt;
- (b) where the whole of a debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated for the payment of it. 1959, c. 62, s. 15.

(2) The council of a city may by by-law provide and direct that, instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

(3) The council of a city may by by-law provide that, instead of a separate bank account being kept for the sinking fund of every debt that is to be paid by means of a sinking fund, a consolidated bank account may be kept in which there may be deposited the sinking funds of all debts that are to be paid by such means, but which consolidated bank account shall be so kept that the requirements of the sinking fund of every debt are duly provided for. R.S.O. 1950, c. 243, s. 316 (2, 3).

Consolidated
sinking fund
account

305. If, in any year, after paying the interest and appropriating the necessary sum to the sinking fund or in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund or in payment of the principal. R.S.O. 1950, c. 243, s. 317.

Application
of surplus
money

306. Notwithstanding any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate require-

where
surplus in
sinking fund

ments of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and, notwithstanding sections 309 and 310, the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality. R.S.O. 1950, c. 243, s. 318.

Where
amount in
sinking fund
sufficient

307. Notwithstanding any general or special Act, when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt. R.S.O. 1950, c. 243, s. 319.

Notice of
appoint-
ment

308. Notice of an appointment for the hearing by the Municipal Board of an application for approval under section 306 or 307 shall be given to such persons and in such manner as the Municipal Board may direct. R.S.O. 1950, c. 243, s. 320.

Money
levied for a
sinking fund
not to be
diverted

309. No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation. R.S.O. 1950, c. 243, s. 321.

Liability of
members for
diversion
of sinking
fund

310.—(1) If the council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

Action by
ratepayer

(2) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1950, c. 243, s. 322.

Statement
of treasurer
as to amount
required
for sinking
fund

311.—(1) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund shall prepare and lay before the council in every year, previous to

the striking of the annual rate, a statement showing what amount will be required for that purpose.

(2) For every contravention of this section, the treasurer ^{Offence} is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1950, c. 243, ss. 323, 493.

312. If the council neglects in any year to levy the amount ^{Penalty where council neglects to levy for sinking fund} required to be raised for a sinking fund, each member of the council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. R.S.O. 1950, c. 243, s. 324.

313. Subject to sections 314 and 315, the council shall ^{Investment of sinking fund} invest the sinking fund in such securities as a trustee may invest in under *The Trustee Act* or, with the approval of the ^{R.S.O. 1950, c. 408} Municipal Board, in any debentures of the corporation; provided that the Board shall not approve of any greater portion or percentage than 25 per cent of the total sinking fund being invested at any one time in debentures of the corporation. R.S.O. 1950, c. 243, s. 325.

314. The Municipal Board, on the application of a council, ^{Redemption of debentures with sinking fund} may direct that any part of the sinking fund, instead of being invested as hereinbefore provided, shall from time to time be applied to the redemption of any of the debentures to the payment of which such sinking fund is applicable, to be selected as provided by the order of the Board, at such value as may be agreed on by the council and the holders of the debentures. R.S.O. 1950, c. 243, s. 326.

315.—(1) Where a by-law passed before the 31st day of ^{Payment of sinking funds heretofore established to Treasurer of Ontario} March, 1955, provided for a sinking fund, the council may by by-law provide that the annual amounts levied for such sinking fund together with the earnings thereon and any future amounts levied therefor shall be paid to the Treasurer of Ontario. 1955, c. 48, s. 36 (1), *amended*.

(2) All money received by the Treasurer of Ontario under ^{Money so received to form part of Consolidated Revenue Fund} this section forms part of the Consolidated Revenue Fund. R.S.O. 1950, c. 243, s. 327 (2); 1955, c. 48, s. 36 (2).

(3) The Treasurer of Ontario may invest the amount at the ^{Sinking fund may be invested in the debentures to be redeemed} credit of a municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer. R.S.O. 1950, c. 243, s. 327 (3).

Retention of money payable to municipality or school board where municipality in default

(4) Where a municipality or a school board is in default in payment of the amount payable in any year into the sinking fund that under the by-law is to be paid to the Treasurer of Ontario,

- (a) the municipality or school board is liable to a penalty of 5 per cent of the amount in respect of which the municipality or school board is in default; and
- (b) the Treasurer of Ontario may retain a portion of any money payable to the municipality or school board, equal to the amount in respect of which the municipality or school board is in default together with any penalty to which the municipality or school board is liable and shall credit any portion retained together with the penalty to the municipality or school board, as the case may be. 1955, c. 48, s. 36 (3).

Disposition of sinking fund paid to Treasurer

(5) Upon the maturity of the debentures to redeem which a sinking fund has been paid to the Treasurer of Ontario, the amount to the credit of the sinking fund shall be payable out of the Consolidated Revenue Fund upon the order of the Treasurer to the holder of the debentures or to his agent or into a bank or otherwise according to the tenor of the debentures or as the Treasurer may direct. R.S.O. 1950, c. 243, s. 327 (5).

Surplus

(6) Where, in the opinion of the Treasurer of Ontario, there is a surplus standing to the credit of any municipality or school board in the sinking fund held by the Treasurer on its behalf, such surplus shall be used to purchase unmatured debentures for which the sinking fund was established or, if such debentures have been fully paid, the surplus in the sinking fund shall be returned to the municipality or school board and shall form part of the general fund of the municipality or of the school board, as the case may be.

Deficit

(7) Where the amount payable by a municipality or school board toward the retirement of the sinking fund debt, together with the earnings thereon, are insufficient to meet the debentures as they fall due, the municipality or school board, as the case may be, shall make up such deficit out of its general fund, notwithstanding that such debentures may have been issued by the municipality for or on behalf of a local board or commission. 1955, c. 48, s. 36 (4).

Fixing current rate of interest on debentures, etc., held by Treasurer

316. The rate of interest to be paid or credited to any municipal corporation by the Treasurer of Ontario upon municipal securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario, either as an investment by the Province or for investment on behalf of a

municipal corporation, shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a Provincial loan and then outstanding. R.S.O. 1950, c. 243, s. 328.

317. Where a corporation has surplus money derived from "The Ontario Municipalities Fund" or from any other source, which is set apart for educational purposes and invested, as well as any other money held by the corporation for or appropriated by it to such purposes, in the form of securities or loans or applied as authorized by this Act, the council may, with the approval of the Municipal Board, dispose of such investments and apply the proceeds thereof directly or by means of a scheme of amortization in aid of schools in the municipality. R.S.O. 1950, c. 243, s. 329.

Disposition of "The Ontario Municipalities Fund" moneys

318. The council of a township may apportion among the public school sections in the township the principal or interest of any investments for public school purposes, according to the salaries paid to the teachers, or the average attendance of pupils in the respective school sections during the next preceding year, or according to the assessed value of the property in the section, or by an equal division among the sections. R.S.O. 1950, c. 243, s. 330.

Apportionment of public school money among school sections in townships

319. A member of a council shall not take part in, or be a party to, the investment of any such money, otherwise than as authorized by this Act, and if he does so he is personally liable for any loss sustained by the corporation in respect of the investment. R.S.O. 1950, c. 243, s. 331.

Prohibition as to unauthorized investment

COMMISSION OF INQUIRY INTO FINANCES

320.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister of Municipal Affairs, may issue a commission to inquire into the financial affairs of any municipality, or local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 323

Commission of financial inquiry

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of a council or of not less than fifty ratepayers assessed as owners and resident in the municipality.

When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the com-

Expenses of commission

missioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality. R.S.O. 1950, c. 243, s. 332.

DEBENTURES

Debentures,
how to be
executed

321.—(1) Subject to subsection 3, a debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council or by some other person authorized by by-law to sign it, and by the treasurer. R.S.O. 1950, c. 243, s. 333 (1).

Execution
of coupons

(2) A debenture may have coupons for the interest attached to it, which shall be signed by the treasurer and his signature to them may be written or engraved, lithographed, printed or otherwise mechanically reproduced. R.S.O. 1950, c. 243, s. 333 (2), *amended*.

Execution
of debentures

(3) The signature of the head of the council of the corporation to all debentures or other like instruments issued by the corporation may be written or engraved, lithographed, printed or otherwise mechanically reproduced and, if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be written or engraved, lithographed, printed or otherwise mechanically reproduced. 1957, c. 76, s. 18; 1960, c. 69, s. 12.

Full amount
of debentures
sold at a
discount
recoverable

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it is recoverable notwithstanding its negotiation by the corporation at a discount.

Signature to
debentures

(5) Any debenture heretofore or hereafter issued is sufficiently signed by the head of the council if it bears the signature, as hereinbefore provided in this section, of the person who was the head of the council either at the date of the debenture or at the time when it was issued. R.S.O. 1950, c. 243, s. 333 (4, 5).

Debentures
on which
payment has
been made
for one year
to be valid

322. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the corporation, the by-law and the debentures issued under it are valid and binding upon the corporation. R.S.O. 1950, c. 243, s. 334.

Mode of
transfer
may be pre-
scribed

323.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this corporation, transferable, except by entry by the treasurer in the Debenture Registry Book of the Corporation at the.....
.....of.....

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture is transferable only by entry by the treasurer in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. R.S.O. 1950, c. 243, s. 335.

324. Where a debenture is defaced, lost or destroyed, the council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1950, c. 243, s. 336.

325.—(1) A council, pending the sale of a debenture, or in lieu of selling it, may by by-law or resolution authorize the head and treasurer to raise money by way of loan on the debenture and to hypothecate it for the loan.

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds, and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan.

(3) Subject to subsection 2, the redemption of a debenture heretofore or hereafter hypothecated shall not be deemed to have prevented and does not prevent the subsequent sale thereof. R.S.O. 1950, c. 243, s. 337.

326.—(1) Subject to subsection 2, a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$50, and any such bond, bill, note or debenture is void.

(2) A debenture issued under the authority of any by-law providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an annual sum of not less than \$50, whether

the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$50 within the meaning of this section, and all debentures so issued under such a by-law and otherwise legal are valid. R.S.O. 1950, c. 243, s. 338.

Where
debentures
sold at
premium

327.—(1) Where on the sale of the whole or any part of an issue of debentures a premium is derived and moneys in addition to the principal sum of the debentures are required for the purpose or purposes for which the debentures were issued, the premium shall be applied to such purpose or purposes.

Idem

(2) Where the whole or any part of the premium is not required for the purpose or purposes for which the debentures were issued, the amount of the premium or of the part not so required shall be applied as follows:

- (a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose.
- (b) Where the amount is not sufficient to redeem a debenture or where a balance remains after redemption as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be reduced accordingly. R.S.O. 1950, c. 243, s. 339 (1, 2).

Deficit on
sale of
debentures

(3) Where on the sale of the whole or any part of an issue of debentures of a municipality a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of the debenture issue, the amount of the deficit or the part so required,

- (a) shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures and the levy made in the first year for such purpose; or
- (b) shall be added in equal portions to the sum to be levied for the annual payment of principal and interest on the debentures in each year commencing with the first year in which such levy is made and annually thereafter over such period of years not exceeding five years in all as may be approved by the Municipal Board,

and the levy made in each of such years shall be increased accordingly. 1958, c. 64, s. 22.

328. When a municipal corporation intends to borrow money on debentures under this or any other Act, the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1950, c. 243, s. 340. Tenders for debentures

TEMPORARY LOANS

329.—(1) A council may by by-law either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow from time to time by way of promissory note such sums as the council may deem necessary to meet, until the taxes are collected, the current expenditures of the corporation for the year, including the amounts required for sinking fund, principal and interest falling due within the year upon any debt of the corporation, school purposes, special rates purposes, and for any board, commission or body and other purposes for which the corporation is required by law to provide. Current borrowings

(2) The amount that may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Municipal Board, exceed 70 per cent of the total amount of the estimated revenues of the corporation as set forth in the estimates adopted for the year. R.S.O. 1950, c. 243, s. 341 (1, 2). Limit upon borrowings

(3) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with the total of any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the corporation as set forth in the estimates adopted for the year. Limit at any one time

(4) At the time, after the 30th day of June in any year, that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the by-law authorizing the borrowing and a statement showing the nature and amount of the estimated revenues of the current year not yet collected or, where the estimates for the year have not been adopted, a statement showing the nature and amount of the estimated revenues of the corporation as set forth in the estimates adopted for the next preceding year, and also showing the total of any amounts borrowed under this section that have not been repaid. 1958, c. 64, s. 23 (1). Treasurer to furnish lender with copy of by-law, etc.

(5) Until such estimates are adopted, the limitations upon borrowing prescribed by subsections 2 and 3 shall temporarily be calculated upon the estimated revenues of the corporation Temporary application of estimates of preceding year

as set forth in the estimate adopted for the next preceding year. R.S.O. 1950, c. 243, s. 341 (3); 1958, c. 64, s. 23 (2).

Exclusion from estimated revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. R.S.O. 1950, c. 243, s. 341 (4); 1958, c. 64, s. 23 (3).

Lender not bound by application of borrowings, etc.

(7) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(8) Any promissory note made under the authority of this section shall be executed in the same manner as a debenture as provided in subsection 1 of section 321, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(9) The council may by by-law provide or authorize the head and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(10) Any agreement entered into under subsection 9 shall be sealed with the corporate seal and signed by the head and treasurer.

Penalty for excess borrowings

(11) If the council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by council

(12) If the council authorizes the application of any revenues of the corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(13) If any member of the council or officer of the corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in a court of competent jurisdiction.

Saving clauses as to penalties

(14) Subsections 11, 12 and 13 do not apply,

(a) to a council or any member of a council or officer of a corporation acting under an order or direction issued

or made under the authority of Part III of *The R.S.O. 1960, Department of Municipal Affairs Act*; or c. 98

- (b) in any case where application of the revenues of the corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1950, c. 243, s. 341 (5-12).

330. Where by this or any other Act power is conferred on a corporation to borrow money, it includes, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred. R.S.O. 1950, c. 243, s. 342. Temporary advances

331. When a corporation guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of the corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality or, where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. R.S.O. 1950, c. 243, s. 343. Power to borrow to meet guarantee of debentures

PART XV

ACQUISITION OF LAND AND COMPENSATION

LAND TAKEN OR INJURIOUSLY AFFECTED

332. In this Part,

Interpretation

- (a) "expropriation" means taking without the consent of the owner, and "expropriate" and "expropriating" have corresponding meanings;
- (b) "judge" means a judge of the county or district court of the county or district in which the land or any part of it is situate;
- (c) "owner" includes a mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator, and a guardian. R.S.O. 1950, c. 243, s. 344; 1960, c. 69, s. 13.

333.—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting and repairing Power to acquire or expropriate land

buildings thereon, and for making additions to or alterations of such buildings, and may sell or otherwise dispose of the same when no longer so required. R.S.O. 1950, c. 243, s. 345 (1); 1954, c. 56, s. 19.

Taking more
land than
required

(2) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required.

Land to be
described
in by-law,
etc.

(3) A by-law for entering on or expropriating land shall contain a description of the land and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated. R.S.O. 1950, c. 243, s. 345 (2, 3).

Power to
use excess
land by way
of compensa-
tion to
owners

334.—(1) Any land acquired or taken by a corporation in the exercise of the powers conferred by any general or special Act in excess of the land actually required for the opening, widening, extension or straightening of a highway may be used in or towards making compensation by way of restitution to the owner of other land taken for or in connection with the work, and the corporation may lawfully exercise such powers in pursuance of an agreement to that effect with such owner or with a view to making or proposing to make such an agreement.

Offer to
transfer
excess land
by way of
compensa-
tion to
be consid-
ered by arbi-
trator;
award to be
binding

(2) If in any arbitration proceeding to fix compensation for land taken by it the corporation offers to transfer or assure additional or other land to the owner by way of enlarging the remainder of his parcel or in substitution for his parcel, such offer shall be taken into account by the arbitrator and dealt with in the award and, if the award is based on such transfer being made, the offer is binding on the corporation in the terms fixed by the award (subject to any right of appeal) and the offer and final award together constitute an agreement between the parties, and the owner is entitled to have such additional or substituted land assured him in accordance therewith.

Power of
Municipal
Board to
order per-
formance of
agreement

(3) In such case, upon the application of the corporation or of an interested party, the Municipal Board may make such orders to compel the taking by the corporation of such additional land for the purposes of the agreement and concerning the compensation payable thereon and as to the vesting of the title to the land in accordance with the agreement as may be necessary to protect and enforce the rights of all parties interested. R.S.O. 1950, c. 243, s. 346.

335. The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation that the council may lawfully sell, shall be sold, is not open to question, review, or control by any court, if the purchaser is a person who may lawfully buy and the council acted in good faith. R.S.O. 1950, c. 243, s. 347.

336.—(1) At any time after the passing of a by-law for entering on or expropriating land, the corporation, by leave of the judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the judge, to satisfy the compensation, may enter upon the land and, if any resistance or forcible opposition is made to its so doing, the judge may issue his warrant to the sheriff of the county or district in which the land lies to put the corporation in possession and to put down such resistance or opposition which the sheriff, taking with him sufficient assistance, shall accordingly do.

(2) Leave of the judge and payment into Court is not necessary where the land is being expropriated for or in connection with the opening, widening, protecting from the erosion of streams or water, altering or diverting a highway unless upon application by the owner a judge of the Supreme Court otherwise directs. R.S.O. 1950, c. 243, s. 348.

337.—(1) Where land is expropriated for the purposes of a corporation, or is injuriously affected by the exercise of any of the powers of a corporation under the authority of this or any general or special Act, unless it is otherwise expressly provided by such general or special Act, the corporation shall make due compensation to the owner for the land expropriated and for any damage necessarily resulting from the expropriation of the land or, where land is injuriously affected by the exercise of such powers, for the damages necessarily resulting therefrom, beyond any advantage that the owner may derive from any work for the purposes of or in connection with which the land is injuriously affected.

(2) The amount of the compensation, if not mutually agreed upon, shall be determined by arbitration.

(3) Where fencing or additional fencing will become necessary, owing to land having been expropriated, the cost of it shall be included in the compensation.

(4) Where part only of the land of an owner is expropriated, there shall be included in the compensation a sum sufficient to compensate him for any damages directly resulting from severance. R.S.O. 1950, c. 243, s. 349.

"DEFERRED" WIDENING, ETC., OF HIGHWAY

Interpre-
tation

R.S.O. 1960,
c. 223

338.—(1) In this section, "highway" includes "street" as defined in *The Local Improvement Act*. R.S.O. 1950, c. 243, s. 350 (1), *part*.

By-law may
fix future
date for
widening,
etc.

(2) A by-law of the council of a local municipality for establishing or laying out, or for extending, widening or diverting, a highway or part of a highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three and not more than ten years after the date of the passing of the by-law. R.S.O. 1950, c. 243, s. 350 (1); 1952, c. 63, s. 14, *part*.

Entry
deferred
accordingly

(3) Subject to subsection 8, the corporation shall not enter on any land required to be taken before the day named in such by-law unless by leave of the judge or by order of the Municipal Board made as hereinafter provided.

By-law not
to be repeal-
ed except
with leave of
Municipal
Board

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except by a vote of two-thirds of the members of the council and with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

Registration
of plan in
advance

(5) Where the council proposes to pass a by-law under this section, it may register in the proper registry office a draft plan of the contemplated work with any supplementary memorandum that may be needed to show its substantial features and to furnish adequate local description to comply with *The Registry Act*, and the registrar shall enter the same on the abstract index for each parcel of land required to be taken; but, if the by-law is not passed within six months after such registration, the registration shall be deemed of no effect and the corporation shall forthwith cause a certificate signed by the mayor or reeve and clerk and sealed with the corporation's seal, stating that no by-law was passed, to be registered in like manner in the registry office.

R.S.O. 1960,
c. 348

Land taken
shall vest
at once in
corporation
on conditions

(6) After the passing of the by-law and subject to any order made by the Municipal Board under subsection 4, the land required to be taken for the work shall be deemed to be vested in the corporation for the purposes of a highway subject to the right of the owner or his assigns to remain in the possession

and enjoyment thereof without impeachment of waste either wanton or permissive until entry by the corporation as aforesaid and to utilize the land and to erect buildings thereon during his or their occupancy (subject to the provisions of subsections 13 and 14 as to compensation in respect of such buildings).

(7) After the land is vested in the corporation, it shall for all purposes of assessment and taxation, whether under such by-law or otherwise, be deemed to be a component part of the highway; but, where a building stands partly on land taken for the work and partly on adjoining land, it shall be assessed on the assessment roll of the municipality in the same manner as if it stood entirely on such adjoining land. Assessment of land when vested

(8) Where it is shown to the satisfaction of the Municipal Board upon application made by the corporation before the day fixed for entry by the by-law that in view of financial conditions it is desirable that the day fixed for entry by the by-law should be further deferred, the Municipal Board may further defer the time for entry by the corporation on the land until a day not less than one year and not more than three years after the day fixed for entry by the by-law, but so that the total time for which entry is deferred by the provisions of the by-law and the order of the Municipal Board shall not exceed ten years, upon such terms and conditions as the Board may deem proper, and upon such order being made the day fixed by the Municipal Board as the day for entry shall thereafter be deemed to be the day fixed in the by-law for entry. Application by corporation to Municipal Board to further defer entry

(9) At the date named in the by-law for entry, it is the duty of the corporation to enter and proceed with diligence and dispatch to remove all buildings and obstructions from the land taken for the work and to put it in fit and proper condition and make it available for use as a highway. Corporation to enter at date named

(10) The by-law may be passed without the assent of the electors and without regard to *The Local Improvement Act* and shall express the intention of the council as to the corporation's portion of the cost thereunder, and the council may thereafter by a majority vote pass a by-law for undertaking the work as a local improvement and such by-law has the same force and effect as if passed under section 8 of *The Local Improvement Act* and the provisions of that Act apply thereafter to such work *mutatis mutandis* and the owners of the lots liable to be specially assessed thereunder have all the rights and remedies in relation thereto that are given them by such Act so far as they are not inconsistent with the other provisions of this section, but the Municipal Board has no power under section 6 or 8 of such Act, either by making an order or by withholding its approval to prevent the due carrying out of the work. Subsequent by-law for undertaking work as a local improvement

R.S.O. 1960, c. 223

Compensation, when payable

(11) Except as may be otherwise ordered by the Municipal Board under subsection 14, compensation payable under this section does not become payable until the day fixed in the by-law for entry.

Limitations as to compensation

(12) The compensation shall be limited to,

- (a) the market value of the land itself exclusive of and without regard to any buildings or improvements thereon;
- (b) the value of the buildings and improvements;
- (c) damages occasioned by disturbance to any business established previous to the passing of the by-law to which the general principles of compensation apply;
- (d) damages to land, buildings and improvements injuriously affected by the exercise of any of the powers conferred by this section. R.S.O. 1950, c. 243, s. 350 (2-11).

Interpretation

(13) (a) In this subsection, "land" means the land itself exclusive of and without regard to any buildings or improvements thereon. R.S.O. 1950, c. 243, s. 350 (13), cl. (a).

Fixing compensation for land apart from buildings

(b) Notwithstanding that entry is deferred, the corporation or the owner may proceed at once after the passing of the by-law to determine or have determined the compensation, if any, payable hereunder in respect of any land. R.S.O. 1950, c. 243, s. 350 (13), cl. (b); 1958, c. 64, s. 24 (2).

Value

(c) The value of the land shall be fixed as of the date of the registration of the draft plan or, if no plan is registered, as of the date of the passing of the by-law. R.S.O. 1950, c. 243, s. 350 (13), cl. (c).

Fixing compensation for buildings

(14) (a) Compensation shall be allowed in respect of buildings and improvements as they may exist at the date fixed for entry. R.S.O. 1950, c. 243, s. 350 (14), cl. (a); 1958, c. 64, s. 24 (4).

As to buildings erected after passing of by-law

(b) In respect to buildings or improvements erected or made after the date of the registration of the draft plan of the work or, if no plan is registered, after the date of the passing of the by-law, the compensation or damages shall be allowed and payable to the extent only of three-quarters of the proper cost of a structure one storey in height of such temporary character, conformable to the existing building by-laws and regulations, as may be reasonable in view of the limited time that is to elapse before entry. R.S.O. 1950, c. 243, s. 350 (14), cl. (b).

Relief in special cases

(15) The Municipal Board may make an order at any time granting relief in the following cases: first, where part of an

owner's lot is taken for the work and special circumstances exist in the matter of the location, size or shape of the lot that render it inequitable and unjust that the compensation to be allowed for buildings or improvements to be thereafter erected thereon should be limited as provided in subsection 13 and, secondly, where the work is deferred until a day more than five years after the date of the passing of the by-law and the whole of the owner's lot is taken or so much of it as to render the remainder, by reason of its size or shape, unfit for building purposes, and the Board in the first case may approve of plans and specifications for appropriate buildings or improvements and fix the basis of compensation to be made therefor, and in the second case it may direct the corporation to enter and make compensation to the owner at an earlier day than the day named in the by-law or to make an immediate or periodical payment to the owner to compensate him for the delay, or it may make such further or other order in either case as may be required to afford due compensation to the owner for the exceptional and peculiar damage he would suffer by reason of the special circumstances affecting his lot.

(16) The council may agree with any bank or person for temporary advances to meet any costs or liabilities incurred under the by-law prior to the completion of the work. R.S.O. 1950, c. 243, s. 350 (15, 16). ^{Temporary advances}

339.—(1) The council of a local municipality, as a preliminary step to the widening of a highway or any part thereof, may pass by-laws fixing as a building line the minimum distance from the limit of the highway at which buildings may thereafter be erected or placed, and prohibiting the erection or placing of any building or part thereof closer to the limit of the highway than the distance fixed by the by-law. ^{Prescription of building line}

(2) A by-law under subsection 1 shall not come into force until it is approved by the Municipal Board, and when so approved shall not be amended or repealed except with the approval of the Board and on such terms as the Board may determine. ^{Approval of Municipal Board}

(3) The council shall, in such manner and to such persons as the Municipal Board may direct, give notice of its application to the Municipal Board for approval of any by-law passed under this section. ^{Notice}

(4) The building line fixed by the by-law shall not be distant more than twenty feet from the limit of the highway. ^{Maximum building line}

(5) Notwithstanding subsection 4, for the purpose of carrying out an official plan in effect under *The Planning Act* or for the purpose of improving the appearance or utility of ^{Exceptions R.S.O. 1960 c. 296}

the highway, the Municipal Board may authorize the establishment of the building line at a distance greater than twenty feet from the limit of the highway in respect of any part or parts of the highway.

Building
line need
not be
uniform

(6) The distance between the limit of the highway and the building line need not be the same for all parts of the highway or part of a highway in respect of which the by-law is passed.

Exceptions
from opera-
tion of
by-law

(7) A by-law passed under subsection 1 shall not prevent the erection or placing closer to the limit of the highway than the distance fixed in the by-law of any one-storey shop or building front of such temporary character, conformable to the existing by-laws and regulations, as may be reasonable.

Compulsory
acquisition
of land

(8) After the by-law has been passed and approved by the Municipal Board,

(a) if three-quarters of the frontage measured along one limit of the highway between two streets intersecting the highway is clear of buildings, other than one-storey shop or building fronts, back to the building line; or

(b) if, at any time after the expiration of ten years from the date of the by-law, a majority of the owners of the land fronting and abutting on one limit of the highway between two streets intersecting the highway so petition in writing,

the municipality shall acquire the land fronting and abutting on that limit of the highway and lying between the two streets intersecting the highway and between the limit of the highway and the building line.

Board may
authorize
delay

(9) Notwithstanding that the conditions set out in clause a of subsection 8 have been fulfilled, the Municipal Board may from time to time authorize the municipality to delay its acquisition of the land in question, but no such authority shall be given so as to delay the acquisition beyond ten years from the date of the by-law.

Conveyance
to municip-
ality when
land clear

(10) Where that part of the land of any owner lying between the limit of the highway and the building line is or becomes clear of buildings and the owner offers to convey that part to the municipality, the municipality shall accept the conveyance and is liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the highway.

Limitation
on compen-
sation

(11) In determining the compensation payable by the municipality for the taking of lands for the widening of a portion of a highway in respect of which a building line has been fixed under this section, the municipality is not liable to

pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line.

(12) Notwithstanding any other provision in this Act or any other Act and except as provided in subsection 10, the municipality is not liable to pay any compensation or damages by reason of having passed a by-law under subsection 1. By-law not to give rise to claims

(13) Every by-law under this section, when approved by the Municipal Board, shall be registered in the proper registry office and when tendered for registration shall have attached thereto a plan or plans and any supplementary memorandum that may be needed to furnish adequate local description to comply with *The Registry Act*, prepared by an Ontario land surveyor and showing the position of the building line in relation to the limit of the highway. 1951, c. 53, s. 14. Registration of by-law; plan of work
R.S.O. 1960, c. 348

GENERAL PROVISIONS AS TO COMPENSATION

340.—(1) Except where the person entitled to the compensation is an infant, a mental incompetent or a person of unsound mind, a claim for compensation for damages resulting from his land being injuriously affected shall be made in writing with particulars of the claim within one year after the injury was sustained or after it became known to such person, and, if not so made, the right to compensation is forever barred. Claim for compensation, when and how to be made

(2) In the case of an infant, a mental incompetent or a person of unsound mind, the claim shall be so made within the same period or within one year after he ceased to be under the disability, whichever is the longer, or, in case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred. Case of infant, mental incompetent, etc.

(3) This section does not apply where the expropriating by-law provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right. R.S.O. 1950, c. 243, s. 351. Exception as to acquiring easement

341.—(1) If the owner of the land is unknown or cannot be found, or if there is no person competent to contract with the corporation for the sale to it of the land and to convey it to the corporation, the judge may, on the application of the corporation, appoint a person to act for the owner, and all acts done, contracts made and conveyances executed by such person are as valid and effectual as if the same were done, made or executed by the owner and he were of full age and competent to do the act, make the contract or execute the conveyance. Appointment of person to act for owner who is unknown or cannot be found

Payment of
compensa-
tion into
Court

(2) In the cases provided for by subsection 1, the amount of the compensation agreed upon or awarded shall be paid into the Supreme Court, with the privity of the Accountant of the Supreme Court, subject to further order. R.S.O. 1950, c. 243, s. 352.

Interest on
compensa-
tion

342. The arbitrator may allow interest on the compensation at the rate of 5 per cent per annum from a day fixed by him. R.S.O. 1950, c. 243, s. 353.

Compensa-
tion to stand
in the stead
of land

343. The compensation stands in the place of the land and is subject to the limitations and charges, if any, to which the land was subject, and any claim to or encumbrance upon the land, or any part of it, as against the corporation, is converted into a claim upon the compensation. R.S.O. 1950, c. 243, s. 354.

Interest on
compensa-
tion

344.—(1) Where it is made to appear to a judge of the Supreme Court that for any reason it is proper that the compensation should be paid into court, the judge may give leave to the corporation to pay it into court, with interest at the rate of 6 per cent per annum for six months.

Notice of
payment
into court

(2) Notice of the payment into court, and calling upon all persons entitled to the land, or any part of it, to file their claims to the compensation, or any part of it, shall be published in such newspaper and for such time as the judge may direct.

Claims, how
determined

(3) All claims to or upon the compensation shall be determined by a judge of the Supreme Court or in such manner as he may direct.

Costs

(4) The costs of the proceedings, including allowances to witnesses, shall be paid by the corporation or by such person as the judge may direct.

Refund of
interest

(5) If an order for distribution is obtained in less than three months from the payment into court, the judge may direct a proportionate part of the interest to be returned to the corporation.

Payment
into court
to discharge
corporation

(6) The payment into court discharges the corporation from all liability in respect of the compensation. R.S.O. 1950, c. 243, s. 355.

Order vest-
ing land in
corporation

345. After payment into court of the compensation, a judge of the Supreme Court may, upon the application of the corporation, make an order vesting in the corporation the land in respect of which the compensation was payable, and the order has the same effect as a vesting order made under *The Judicature Act*. R.S.O. 1950, c. 243, s. 356.

R.S.O. 1960,
c. 197

346.—(1) Where the council of a city or town is desirous of entering upon any work or undertaking for which land is required to be expropriated or in the execution of which land may be injuriously affected, the council may file in the office of the clerk plans and specifications of the work or undertaking, which shall show the names of the owners of the land to be affected, the land to be expropriated and the nature and extent of any easement or right in the nature of an easement to be acquired, or certified copies of such plans and specifications.

Taking, etc.,
lands for
public work

(2) The clerk shall cause to be served upon every owner of land to be expropriated, or which may be injuriously affected, a notice of the council's intention to proceed with the work or undertaking, and to expropriate the land necessary therefor, and that such plans and specifications may be inspected at his office, and that any claim for compensation on account of the land being injuriously affected must be filed in his office, with a statement of the amount claimed, within sixty days, or, if the person served resides out of Ontario, within ninety days, from the service of the notice.

Service of
notice of
intention to
construct
works, etc.

Filing of
claim

(3) If a claim is not so filed within the period mentioned in subsection 2, it is forever barred unless, upon application to a judge of the Supreme Court made not later than one year from the service of the notice and after seven days notice to the corporation, the judge allows the claim to be made.

Claim not
filed to be
barred

(4) Either party may appeal from the decision of the judge to the Court of Appeal.

Appeal

(5) Nothing in this section has the effect of barring a claim, if the plans and specifications filed do not disclose or sufficiently disclose that the injury in respect of which the claim is made will be caused by the work or undertaking.

Claims not
barred
where plans
insufficient

(6) This section does not apply to the claim of an infant, a mental incompetent or a person of unsound mind, or where the expropriating by-law provides for acquiring an easement or right in the nature of an easement and the land is injuriously affected by the exercise of such easement or right. R.S.O. 1950, c. 243, s. 357.

For claims
of infants,
and mental
incompet-
ents, etc.

PART XVI

ARBITRATIONS

347.—(1) Except in cases where there is an official arbitrator, the senior judge of the county or district court shall be sole arbitrator unless he under his hand requests a junior judge or the judge or junior judge of some other county or district to act for him, in which case the judge so designated shall be sole arbitrator.

Senior judge
as sole
arbitrator

R.S.O. 1960,
c. 250
to apply

(2) The provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to arbitrations held and awards made by the judge. R.S.O. 1950, c. 243, s. 358.

Municipal
Board as
arbitrator

348.—(1) Notwithstanding the other provisions of this Act or any other Act, the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board has and may exercise all the powers and duties of an official arbitrator. R.S.O. 1950, c. 243, s. 359.

Procedure,
application
of
R.S.O. 1960,
c. 274

(2) Except as provided in subsection 3, *The Ontario Municipal Board Act* applies to proceedings taken before the Municipal Board under this section.

Appeals,
application
of
R.S.O. 1960,
c. 250

(3) The provisions of *The Municipal Arbitrations Act* with respect to appeals apply to awards made by the Municipal Board under this section. 1957, c. 76, s. 19.

Award not
to be binding
in certain
cases unless
adopted by
by-law

349.—(1) Where the arbitration is as to compensation, if the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land before the award, except for the purpose of survey, or if the by-law gave or professed to give such authority but the arbitrator by his award finds that it was not acted upon, the award is not binding on the corporation unless it is adopted by by-law within three months after the making of the award or after the determination of any appeal therefrom, and, if it is not so adopted, the expropriating by-law shall be deemed to be repealed and the corporation shall pay the costs between solicitor and client of the reference and award and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the by-law, and such damages, if not mutually agreed upon, shall be determined by arbitration and, if the by-law has been registered or a caution in respect of it has been filed, the corporation shall forthwith cause a certificate signed by the mayor and clerk and sealed with the corporation's seal, stating that the by-law stands repealed, to be registered in the proper registry office or the caution to be removed, as the case may be.

Power to
repeal by-law
before award

(2) Where the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land, except for the purpose of survey, or if the by-law gave or professed to give such authority but it has not been acted on, the council may, at any time before the making of the award and whether or not arbitration proceedings have been begun, repeal the by-law and, if that is done, the repealing by-law, if the expropriating by-law has been registered, shall be registered forthwith by the corporation in the proper registry office, or, if the land is under *The Land Titles Act* and a caution has

R.S.O. 1960,
c. 204

been filed, the corporation shall forthwith remove the caution, and the costs and damages mentioned in subsection 1 shall be paid by the corporation as therein provided. R.S.O. 1950, c. 243, s. 360.

PART XVII

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS

350. Where a duty, obligation or liability is imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants, of a municipality, or where a contract or agreement is entered into that imposes such a duty, obligation or liability, the corporation has the right by action to enforce it and to obtain as complete and as full relief and remedy as could be obtained in an action by the Attorney General, as plaintiff, or as plaintiff on the relation of any person interested, or in action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. R.S.O. 1950, c. 243, s. 361.

Right of action of municipal corporation to enforce agreements, etc.

351. An action shall not be brought for anything done under a by-law, order or resolution of a council that is invalid, in whole or in part, until one month after the by-law, order or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. R.S.O. 1950, c. 243, s. 362.

Corporation to be liable for acts done under illegal by-law

PART XVIII

RESPECTING THE ADMINISTRATION OF JUSTICE

POLICE OFFICE IN CITIES AND TOWNS

352. The council of every city and town shall establish and maintain therein a police office. R.S.O. 1950, c. 243, s. 363.

Police office

353. The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for the officers connected with it. R.S.O. 1950, c. 243, s. 364.

Accommodation, etc., for police office

COURT HOUSES, JAILS, ETC.—ESTABLISHMENT

354. Until otherwise provided by law, the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. R.S.O. 1950, c. 243, s. 365.

Existing county and district towns continued

County to
provide
court house
and jail

Sufficient
for county
and city

355.—(1) The corporation of every county shall provide and maintain a county court house and a county jail.

(2) The court house and the jail shall be sufficient for the purposes of every city and separated town that forms part of the county for judicial purposes as well as for the purposes of the county.

Maintenance
of jail
R.S.O. 1960,
c. 195

(3) The jail shall be provided and maintained in conformity with *The Jails Act* and to the satisfaction of the Lieutenant Governor in Council.

Saving

(4) Subsection 2 does not apply to the court house if the city has a court house of its own, or to the jail if the city has a jail of its own. R.S.O. 1950, c. 243, s. 366.

Erection of
court house
or jail by
county or
city

356.—(1) The council of a county or of a city may pass by-laws for erecting, enlarging or improving a court house or jail, and shall keep the same in repair and provide the food, fuel and other supplies required therefor. R.S.O. 1950, c. 243, s. 367 (1).

County
acquiring
land in any
municipality
including
city or
separated
town

(2) The corporation of a county may acquire land within any municipality in the county including a city or separated town, whether such city or separated town is the county town or not, for the purpose of erecting and may erect thereon a court house, a jail and buildings for use as a county hall and for offices for the county officials. R.S.O. 1950, c. 243, s. 367 (2); 1960, c. 69, s. 14.

Use of
county jails
and court
houses by
city or
separated
town

357. The court house and the jail of the county in which a city or separated town is situate, except where the city has provided one for itself, is the court house or jail, as the case may be, of the city or town, and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the city or town. R.S.O. 1950, c. 243, s. 368; 1958, c. 64, s. 25.

CARE OF COURT HOUSES AND JAILS

Custody
of jails

358.—(1) The jailer has the care of the county jail, jail offices and yard and jailer's apartments. R.S.O. 1950, c. 243, s. 369 (1); 1958, c. 64, s. 26.

Appoint-
ment of
jailer, etc.

(2) The Lieutenant Governor in Council may appoint the jailer, jail surgeon and other jail employees, and fix their salaries which shall be paid by the county or city, as the case may be.

Bonus

(3) The Lieutenant Governor in Council may authorize the county or city, as the case may be, to pay to the jailer and jail employees, other than the jail surgeon, such bonuses as the Lieutenant Governor in Council may prescribe.

(4) The county or city shall establish a system of credits Sick leave credits and payments for regular attendance of the jailer and jail employees, and the Lieutenant Governor in Council may make regulations prescribing the system to be established.

(5) For the purposes of *The Workmen's Compensation Act*, Workmen's compensation every jailer and jail employee shall be deemed to be an employee of the county or city, as the case may be. R.S.O. 1960, c. 437

(6) For the purposes of subsections 4 and 5, a jail surgeon Interpretation shall be deemed not to be a jail employee. R.S.O. 1950, c. 243, s. 369 (2-6).

359. A jailer or an officer of the jail shall not demand or receive any fee, perquisite or other payment from any prisoner. Jailers not to accept fees R.S.O. 1950, c. 243, s. 370.

360.—(1) The county council has the care of the court County council to have care of court house, etc. house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney General to be necessary, with typewriting machines, for all officers connected with such Provincial courts, other than the Crown attorney of the City of Toronto. (*As to division courts, see R.S.O. 1960, c. 110.*)

(2) Where in any county court district erected under *The County Judges Act* there is a city having a population of Accommodation for judges 100,000 or more and the judicial business in such district is divided among the judges therein as provided by such Act, the county council of the county in which such city is situate shall provide in the court house at least one suitable office, together with fuel, light, stationery, furniture and other accommodation, for the use of the judges of the county courts of the other counties in such district who perform judicial functions in such city. R.S.O. 1960, c. 77

(3) A corporation is not liable to pay for furniture unless Liability for furniture it has been ordered by the council or by some person authorized by it so to do. R.S.O. 1950, c. 243, s. 371.

361. The care of the jail or court house of a city shall be regulated by by-law of its council. R.S.O. 1950, c. 243, s. 372. Care of city jail

Responsi-
bility for
conveying
prisoners

362. Where the attendance of a prisoner confined in a jail is required at a hearing or proceeding, the municipality in which the hearing or proceeding is held is responsible for conveying the prisoner from the jail to the place of the hearing or proceeding and for his return, and,

- (a) where the hearing or proceeding is held in a city or separated town, the expense incurred thereby shall be shared by the county and the city or separated town in the same manner and in the same proportion as a charge or expense relating to the administration of justice under section 363; and
- (b) where the hearing or proceeding is held in a local municipality other than a city or separated town, the county shall reimburse the local municipality for the expense incurred thereby. 1958, c. 64, s. 27.

COSTS AND EXPENSES OF COURT HOUSES AND JAILS

Liability of
cities and
separated
towns for
cost of
erection and
maintenance
of court
house, etc.

R.S.O. 1960,
c. 348

363.—(1) A city or a separated town shall, as part of the county for judicial purposes, so long as the county court house or jail is also that of the city or separated town, bear and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 20 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house or jail, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 360, and of all other charges relating to the administration of justice. R.S.O. 1950, c. 243, s. 373 (1); 1959, c. 62, s. 16.

Allowance
to county
for use of
court house
for division
courts

(2) The use of the court house for the sittings of a division court of a division that comprises the whole or a part of a city or separated town may be taken into account in determining the amount to be paid by the city or town for the maintenance of the court house.

Reference
to arbitra-
tion in case
of disagree-
ment

(3) If the council of the city or separated town and the council of the county are unable to agree as to the amount to be paid by the city or town, the same shall be determined by arbitration.

Purchase of
land and
erection of
buildings
for municip-
al and judi-
cial purposes

(4) The council of a county and of a city or separated town situate in the county may agree,

- (a) to acquire land for the purpose of erecting thereon buildings for the joint use of the county and city or town for municipal and judicial purposes;
- (b) for the erection, maintenance, use, management and control of such buildings;

- (c) for fixing the amount that each corporation shall pay or contribute for such purposes;
- (d) for the subsequent disposition of such land and buildings, and of any insurance or other money that may be received in respect thereof,

and may pass all such by-laws as may from time to time be necessary for acquiring the land and carrying out the agreement. R.S.O. 1950, c. 243, s. 373 (2-4).

[NOTE.—*As to payment of expenses of shorthand writer and interpreter, see The County Judges Act, R.S.O. 1960, c. 77. See also The Magistrates Act, R.S.O. 1960, c. 226.*

As to payment by city or separated town of proportion of certain expenses under The Registry Act, see R.S.O. 1960, c. 348.]

364. Where the court house, jail or registry office was erected before the city or town ceased to be part of the county for municipal purposes, the arbitrator shall take into account, in determining the amount to be paid by the city or town, the value of the respective interests of the county and of the city or town in such building and the extent of the use of it by them respectively. R.S.O. 1950, c. 243, s. 374.

365. The corporation of a county, city or separated town has, respectively, from time to time, insurable interests in the county court house and jail in the proportions of the aggregate amounts that they have contributed, respectively, to the costs, charges and expenses of erecting, enlarging, improving and repairing such buildings, and in the contents and furniture of the county court house and jail in the proportions of the aggregate amounts that they have contributed, respectively, to the costs, charges and expenses of providing such contents and furniture. R.S.O. 1950, c. 243, s. 375.

366. Where a city is required to contribute towards the cost of building a court house or jail not commenced before the 5th day of March, 1880, the city is not bound to pay for any part of the expenditure thereafter incurred in respect thereto unless the same has been concurred in by the council of the city or, in case of dispute, has been determined by arbitration according to this Act, and the council of the city has a voice in the selection of the site of the court house or jail. R.S.O. 1950, c. 243, s. 376.

367. Where a city or separated town is required to contribute towards the cost of enlarging, improving or repairing a court house or jail and the cost thereof will be in excess of \$10,000, the city and separated town have a voice in determining the cost of such improvements in excess of \$10,000.

ing whether or not such enlargement, improvement or repair should be made or another court house or jail erected. 1960, c. 69, s. 15, *part*.

Arbitration on site and advisability of improvements in excess of \$10,000

368. Unless the councils of the county and city and separated town agree, the site of the court house or jail, or whether or not any enlargement, improvement or repair of the court house or jail should be made or another court house or jail erected under section 367, shall be determined by arbitration under *The Arbitrations Act*. 1960, c. 69, s. 15, *part*.

R.S.O. 1960, c. 18

Compensation by city or town for use of court house, etc.

369.—(1) A city that uses the county court house or jail and a separated town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or determined by arbitration.

Matters to be considered in determining compensation

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrator shall, so far as he deems it just and reasonable, take into consideration the original cost of the site and erection of the jail and jail buildings and of repairs and insurance, so far as they have been borne by one or other of the municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. R.S.O. 1950, c. 243, s. 378.

Settlement of amount payable by city or town where court house and jail built at expense of county

370. Where in any city or town the court house and jail of the county have been erected at the expense of the county after the separation for municipal purposes of such city or town from the county, and before the 29th day of March, 1873, and such city or town has not erected a separate court house and jail, if the city or town does not agree with the county as to the amount to be paid to the county as an allowance for interest and depreciation upon the capital cost of the erection of the county court house and jail, the arbitrator in making his award shall take into account the relative populations of the city or town and county, respectively, and the extent to which such buildings are used by the city or town and the county jointly or severally as municipal corporations or for municipal purposes as well as the extent to which such buildings are used for the general administration of justice, and apart from and in addition to any amount payable under this Act for the use of such buildings by the city or town as a municipal corporation, or for municipal purposes, the arbitrator shall award to be paid by the city or town a just proportion of the equivalent of annual interest and depreciation upon the capital cost incurred before such date in the erection of such buildings, which equivalent of interest and depreciation shall be computed at the rate of $5\frac{1}{2}$ per cent per annum, and

the amount so awarded is payable by such city or town in addition to the share, proportion or compensation payable by such city or town under sections 363 and 369. R.S.O. 1950, c. 243, s. 379.

371. After five years from the time when the amount of the compensation was agreed upon or determined by arbitration, either under section 363 or after a direction by the Lieutenant Governor in Council under the authority of this section, the Lieutenant Governor in Council upon the application of either corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or be determined by arbitration. R.S.O. 1950, c. 243, s. 380. When the amount of compensation may be reconsidered

372.—(1) The council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common jail for trial, or in the execution of any sentence, and such persons may be lawfully received and so detained in the lock-up. Lock-up houses

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them. R.S.O. 1950, c. 243, s. 381. Joint lock-up houses

373.—(1) Every lock-up house shall be placed in the charge of a constable appointed for that purpose. Constable in charge

(2) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. R.S.O. 1950, c. 243, s. 382. Salary

374. The county jail may be used for the purposes of a lock-up house for any local municipality and, if so used, the corporation of the local municipality shall pay yearly to the county treasurer for the use of the county a reasonable sum for the use of the jail as a lock-up house and for the expenses incurred by such use, and in case of disagreement the amount to be paid to the county shall be determined by arbitration. R.S.O. 1950, c. 243, s. 383. Use of jail as lock-up

375. The cost of conveying a prisoner to and of keeping him in a lock-up house shall be defrayed in the same manner as the expense of conveying a prisoner to and keeping him in a common jail of the county. R.S.O. 1950, c. 243, s. 384. Expense of keeping prisoners in lock-up

INSTITUTIONS FOR ALCOHOLIC HABITUATES

Institutions
for reclama-
tion of
habitual
drunkards

376.—(1) The council of a city having a population of not less than 50,000 may,

- (a) establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards; and
- (b) provide that the mayor, magistrate, or any justice of the peace having jurisdiction in the municipality, may send or commit to such institution an habitual drunkard, with or without hard labour.

R.S.O. 1960,
c. 307
to apply

(2) Sections 52 to 55 of *The Private Sanitaria Act* apply to such institution. R.S.O. 1950, c. 243, s. 385.

PART XIX

POWERS TO PASS BY-LAWS

377. By-laws may be passed by the councils of all municipalities:

R.S.O. 1950, c. 243, s. 386, *part.*

Agreements and Contracts

Fire protec-
tion agree-
ments

1. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding the provisions of any such agreement no liability accrues to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it. R.S.O. 1950, c. 243, s. 386, par. 1; 1957, c. 76, s. 20 (1).

Water
supply
contracts

2. For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable, and for renting hydrants for any number of years not, in the first instance, exceeding ten, and for renewing the contract from time to time for periods not exceeding ten years, as the council may deem proper, or for purchasing or erecting hydrants necessary for any of such purposes.

Insurance

3. For contracting for insurance against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor. R.S.O. 1950, c. 243, s. 386, pars. 2, 3.

4. For entering into agreement with the corporation of an adjoining municipality or with the owner of any sewage works for the use or interchange of any sewage works for the disposal, interception or purification of sewage, and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality or party to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use. 1958, c. 64, s. 28 (1).

Agreement with adjoining municipality or the owner of any works as to sewage works

5. For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewerage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management therefor. R.S.O. 1950, c. 243, s. 386, par. 5.

Joint operation of works, systems and services

6. For entering into agreement with one or more municipalities for the establishment, acquisition, enlargement or extension of water systems, sewage systems and sewage disposal works to be jointly owned by the municipalities that have entered into agreement and operated for their joint use upon such terms as may be agreed upon. 1958, c. 64, s. 28 (2).

Joint acquisition and operation of water system, etc.

7. For entering into agreement with a company, board or commission operating a transportation system in the municipality for watering or oiling any of the highways for any number of years, not exceeding five, and for renewing such agreement from time to time for a period not exceeding five years. R.S.O. 1950, c. 243, s. 386, par. 6; 1951, c. 53, s. 15 (1).

Contracts for street watering or oiling

8. For providing in any agreement that may be lawfully made with another municipality that any dispute arising out of such agreement may be determined by the Municipal Board as sole arbitrator. 1960, c. 69, s. 16 (1).

Providing for determination of disputes under agreements

Air Harbours and Landing Grounds

9. For the establishment of or for granting aid to the establishment of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft; and the councils of any two or more municipalities may enter into an agreement for the establishment of an air harbour and the joint exercise of all the powers and rights contained in this paragraph upon such terms as may be agreed and may

Establishment of air harbours and landing grounds

entrust the control and management of any air harbour or landing ground so established to a commission appointed by such councils pursuant to agreement.

- (a) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization situate in one or more territorial districts. R.S.O. 1950, c. 243, s. 386, par. 7; 1953, c. 70, s. 10 (1).
- (b) A commission appointed under this paragraph is a body corporate and, subject to the terms of the agreement, where the control and management of an air harbour or landing ground have been entrusted to it by the parties to the agreement, may establish an air harbour or landing ground or acquire by lease or otherwise an existing air harbour or landing ground in any municipality.
- (c) The cost of operating, maintaining and improving the air harbour or landing ground, and the establishment of hangars and other buildings and facilities, shall be borne by the municipalities as provided in the agreement.
- (d) Such an agreement shall not be for a longer period than ten years. 1959, c. 62, s. 17 (1).

Associations

Membership
in union of
municipalities

10. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business.

Officers
becoming
members of
association
for improv-
ing technical
knowledge

11. For any corporation officers becoming members of any municipal union or association for extending and improving the technical skill of such municipal officers in the discharge of their municipal duties, and for paying the fees for such membership, and for paying the expenses of such officers attending any meeting of such union or association or upon its business.

Canadian
Deep
Waterways
and Power
Association

12. For the corporation becoming a member of the Canadian Deep Waterways and Power Association and paying the fees for such membership and for making contributions towards the expenses of such Association and paying the expenses of delegates to any meeting of it or upon its business.

Grants to
Ontario
Safety
League

13. For making contributions towards the expenses incurred by the Ontario Safety League in carrying out the purposes for which it was organized. R.S.O. 1950, c. 243, s. 386, pars. 8-11.

14. For appointing representatives to a Regional Development Association that has been duly constituted for the promotion of the economic development of the general area and for the making of grants to such Association. 1956, c. 50, s. 14 (1), *part.* Regional Development Association

Drainage and Floods

15. For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or water-courses; for constructing, maintaining, repairing and improving dams; for providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; for making all necessary connections therewith, and for acquiring land in or adjacent to the municipality for any of such purposes. Construction of drains, sewers, sewage disposal works, etc.

(a) Before passing a by-law under this paragraph, the council may direct that an engineer's report, with or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof that in the opinion of council derives special benefit therefrom.

(b) The cost of such construction, maintaining, improving, repairing, widening, altering, diverting, stopping up and acquisition may be levied against all rateable property in the municipality, or in a defined area thereof that in the opinion of council derives special benefit therefrom. R.S.O. 1950, c. 243, s. 386, par. 12; 1959, c. 62, s. 17 (2).

16. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be deemed necessary for that purpose, and for deepening, widening, straightening or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water. R.S.O. 1950, c. 243, s. 386, par. 13. Works for prevention of damage by flooding

17. For entering into agreement with Her Majesty in right of Ontario and for entering into agreement with one or more municipalities and Her Majesty in right of Ontario to acquire and hold for and on behalf of Her Majesty in right of Ontario any lands and premises in the municipality or in any other Agreements to prevent damage by floods

municipality for the purpose of preventing damage by floods and for doing all such things as may be deemed necessary for that purpose.

(a) Such lands and premises shall be used and disposed of as directed by the Lieutenant Governor in Council.

R.S.O. 1960,
c. 23

(b) For the purposes of *The Assessment Act*, such lands and premises shall be deemed a public park. 1955, c. 48, s. 37 (1).

Exhibitions, etc.

Acquiring
land for
agricultural
exhibitions,
etc.

18. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

Power to
lease

19. For leasing for any period, not exceeding three years from the making of the lease, any part of the land acquired under paragraph 18, that is not immediately required for the purposes for which it was acquired.

General

Census

20. For taking a census of the inhabitants.

Destruction
of records

21. Subject to the approval of the Department, for the destruction of receipts, vouchers, instruments, rolls or other documents, records and papers.

Rental of
equipment

22. For providing for the use by any person of any of the mechanical equipment of the municipality and for fixing the terms, conditions and rent charges therefor.

Submission
of questions
of general
policy to
electors

23. For submitting to the vote of the electors any municipal question not specifically authorized by law to be submitted.

(a) A question as to securing a supply of electrical power or energy from The Hydro-Electric Power Commission of Ontario shall be submitted to the electors qualified to vote on money by-laws. R.S.O. 1950, c. 243, s. 386, pars. 14-19.

Licensing,
etc., dry
cleaners, etc.

24. For regulating and governing the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing; for licensing any person using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods that have been subjected to any such process; for authorizing the architect or other person named in the

by-laws to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such licence.

- (a) Where the council of a town, village or township has passed a by-law under this section, the by-law of the county is not in force in the town, village or township while the by-law of the town, village or township remains in force. 1954, c. 56, s. 20 (1).

Grants, etc.

25. With the assent of the electors qualified to vote on money by-laws, for making grants to persons who served in the armed forces of Her Majesty or Her Majesty's allies during any war. Grants to members of armed forces

26. With the assent of the electors qualified to vote on money by-laws, for granting aid to any fund established for the purpose of providing allowances or other assistance to the dependants of persons who died while serving in the armed forces of Her Majesty or Her Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months. 1953, c. 70, s. 10 (2). Aid to widows, etc.

27. For establishing and maintaining or for granting money to aid in the construction of public bathing houses. Public bathing houses

28. For granting aid to any charitable institution or out-of-door relief to the resident poor. R.S.O. 1950, c. 243, s. 386, pars. 22, 23. Aid to charities

29. For granting aid to any association duly constituted for the promotion of the welfare and education of retarded children within the municipality. 1956, c. 50, s. 14 (1), *part*. Aid for retarded children

30. For carrying on any community or joint community programme of recreation within the meaning of the regulations under *The Department of Education Act* and for expending money or for granting money in aid for such purposes. R.S.O. 1950, c. 243, s. 386, par. 24; 1954, c. 56, s. 20 (2). Community programmes
R.S.O. 1960, c. 94

31. For granting or lending money or granting land in aid of any association for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments. Aid to fat or live stock shows

32. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario. Grants to ferries

Fox
bounties

33. For giving bounties for the destruction of foxes, provided that a local municipality shall not give any such bounties where the county in which it is situate has a by-law in force under this paragraph.

Aid for con-
struction of
harbours,
wharves, etc.

34. For granting aid for the construction of harbours, wharves, docks, slips and beacons on any river, lake or navigable water passing in, through or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be deemed expedient. R.S.O. 1950, c. 243, s. 386, pars. 25-28.

Aid to
hospitals

35. For granting aid for the erection, establishment, maintenance or equipment of public hospitals including municipal hospitals, public sanatoria or municipal isolation hospitals and nurses' residences in connection therewith, within or outside the municipality, and may issue debentures therefor. R.S.O. 1950, c. 243, s. 386, par. 29; 1952, c. 63, s. 15 (1); 1957, c. 76, s. 20 (2).

- (a) Granting aid for the purposes of this paragraph shall be deemed to include and to have always included granting money or land in aid. 1960, c. 69, s. 16 (2).

Aiding
indigent
persons

36. For aiding in maintaining any indigent inhabitant, or person found in the municipality, at a home for the aged, hospital or institution for the mentally ill, deaf and dumb or blind, or other public institution of a like character.

- (a) Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or a security on such land for the amount advanced or expended, and, on the death of such person or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of 6 per cent per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand.

Public
libraries

37. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality. R.S.O. 1950, c. 243, s. 386, pars. 30, 31.

Aid to art
galleries

38. For granting money or land in aid of any art gallery in the municipality or in an adjacent municipality operated on

a non-profit basis for the advancement of culture and for the benefit of the public, upon such terms and conditions as the council deems expedient. 1960, c. 69, s. 16 (3), *part*.

39. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment. Offering and paying rewards

40. For aiding athletic or aquatic sports, and for making grants or gifts to persons in recognition of outstanding achievements in athletic, aquatic or other games or contests. Sports

41. For granting aid to the Victorian Order of Nurses and to any local community nursing registry approved by the Registered Nurses' Association of Ontario. R.S.O. 1950, c. 243, s. 386, pars. 32-34. Aid to nursing organizations

42. For granting aid to the Royal Botanical Gardens. 1960, c. 69, s. 16 (3), *part*. Aid to Royal Botanical Gardens

Harbours, Wharves, etc.

43. For making, improving and maintaining public wharves, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof. Making, etc. of wharves, docks, etc.

44. For regulating harbours. Regulating harbours

45. For prohibiting the injuring, fouling, filling up or encumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water. Injuring, filling up, etc., of harbours, wharves

46. For erecting and maintaining beacons. Beacons

47. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels. Erecting docks, elevators, etc.

48. For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order and to pay a harbour master. Vessels, etc.
Harbour dues

49. For requiring the owner or occupant of the land, in connection with which the same exist, to remove door-steps, porches, railings or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water. Removal of door-steps, railings, projecting over wharf, dock, etc.

50. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels. Removal of sunken vessels, etc., from harbours, etc.

barges, crafts, cribs, rafts, logs or other obstructions or encumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

Highways and Bridges

Regulating driving on roads and bridges

51. For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

Prohibiting racing on highways

52. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges. R.S.O. 1950, c. 243, s. 386, pars. 35-44.

Laying of pipes for petroleum, etc.

53. Notwithstanding any other Act, for laying or maintaining, or for authorizing any person to lay, use or maintain, pipes or conduits for transmitting gasoline, petroleum or petroleum products, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes. R.S.O. 1950, c. 243, s. 386, par. 45; 1953, c. 70, s. 10 (3).

Prohibiting vehicles on sidewalks, etc.

54. For prohibiting carriages, wagons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon, any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-lot, garden or other place set apart for ornament or embellishment or for public recreation. R.S.O. 1950, c. 243, s. 386, par. 46.

Benches on highways

55. For placing or permitting any person to place benches for the use of the public on the untravelled portion of any highway under its jurisdiction. 1956, c. 50, s. 14 (1), *part*.

Temporary closing of highway for repairs, etc.

56. For closing temporarily any highway or portion of a highway under the jurisdiction of the municipality for any period during the construction, repairing or improvement of such highway or portion thereof.

(a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall

provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

- (b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.
- (c) Every person who uses a highway or portion of a highway so closed to traffic does so at his own risk and the municipality having jurisdiction over the highway is not liable for any damage sustained by a person using the highway or portion thereof so closed to traffic.
- (d) Every person who without lawful authority uses a highway or portion thereof so closed to traffic while it is protected in accordance with this paragraph, or who removes or defaces any barricade, device, detour sign or notice placed thereon by lawful authority, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$50 and is also liable to the municipality having jurisdiction for any damage or injury occasioned by such wrongful use, removal or defacement. 1959, c. 62, s. 17 (3).

57. For placing or permitting any person, under such conditions as may be agreed upon, to erect transit system shelters on the untravelled portion of a highway under its jurisdiction. 1960, c. 69, s. 16 (3), *part.*

Municipal Employees

58. For appointing such officers and servants as may be necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them. R.S.O. 1950, c. 243, s. 386, par. 47.

59. Subject to such limitations and restrictions as the Lieutenant Governor in Council may prescribe by regulations, for providing pensions for employees or any class thereof.

- (a) In this paragraph,

- (i) "employee" means any salaried officer, clerk, workman, servant or other person in the

Interpre-
tation

employ of the municipality or of a local board and includes any person or class of person designated as an employee by the Minister,

- (ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof but does not include a hospital established under any general or special Act and operated by a municipal corporation.

Approval by
Department

- (b) No by-law passed under this paragraph shall become operative until approved by the Department nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

Payments to
be deemed
current
expenditures

- (c) Payments made with respect to past service may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years and payments with respect to past service and future service shall be deemed to be current expenditures.

Payments to
be deducted
from salary,
etc.

- (d) The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable the amount that such employee is required to pay in accordance with the provisions of the plan that provides a pension for such employee.

Payments by
local board
to municip-
ality

- (e) Where any employee of a local board is a member of a pension plan provided by a municipality, the local board shall pay to the treasurer of the municipality the payments and deductions made for past and future service of such employee.

Municipal-
ities may
agree to
provide
pensions

- (f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof, and in such case the provisions of this paragraph apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.

(g) Any local board may provide pensions for employees or any class thereof and the provisions of this paragraph apply *mutatis mutandis* thereto. Local boards may provide pensions

(h) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer of pension money

(i) the civil service of Ontario or Canada,

(ii) the civic service of any other municipality or local board, or

(iii) the staff of any board, commission or public institution established under any Act of the Legislature,

and a pension plan has been provided for him other than a contract with Her Majesty in accordance with the *Government Annuities Act* (Canada), the council shall, on the written request of the employee, by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in its pension plan heretofore or hereafter established under this or any other general or special Act, including payments and deductions for past or future service or both together with interest thereon, to any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto. R.S.C. 1952 c. 132

(i) Where a member of,

Idem

(i) the civil service of Ontario or Canada,

(ii) the civic service of any other municipality or local board, or

(iii) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee of the municipality or local board and a sum of money is transferred from any fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, the council shall by by-law authorize the transfer into and shall transfer into the pension plan heretofore or hereafter established under this or any other general or special Act and applicable to the employee such sum in the like manner as a payment for past service. 1958, c. 65, s. 4; 1960, c. 69, s. 16 (4).

Sick leave
credit
gratuities

60. For establishing a plan of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Interpre-
tation

(a) "Employee" means an employee as defined in paragraph 59.

Transfer
of credits

(b) Where an employee of a municipality or local board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another municipality or local board that has also established a sick leave credit plan under this or any other general or special Act, the latter municipality or local board shall place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned municipality or local board, provided that the amount of such sick leave credits so placed shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed. 1953, c. 70, s. 10 (5); 1957, c. 76, s. 20 (4); 1958, c. 64, s. 28 (3).

Insurance,
hospitaliza-
tion, etc.

R.S.O. 1960,
cc. 190, 304

61. For providing, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

- i. group life insurance for employees or any class thereof,
- ii. group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and
- iii. hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives or husbands and children,

and for contributing toward the cost thereof.

(a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total of those made by the employees.

(b) In this paragraph, "employee" means an employee as defined in paragraph 59. 1954, c. 56, s. 20 (6); 1957, c. 76, s. 20 (5).

62. For contributing toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act*. Contributions toward plan under R.S.O. 1960, c. 176

- (a) No by-law under this paragraph shall authorize contributions by the municipality in excess of the total made by the employees.
- (b) In this paragraph, "employee" means an employee as defined in paragraph 59. 1959, c. 62, s. 17 (4).

Parks, Parking Lots, etc.

63. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, where there is no board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. Acquiring land for parks, etc. R.S.O. 1960, c. 329

- (a) A corporation that expropriates land in another municipality under the powers conferred by this paragraph shall put the land in an efficient state to be used and open it to the general public for the purpose for which it was acquired within a reasonable time after such expropriation, and shall maintain and keep the land in an efficient state of repair and shall provide police protection therefor.
- (b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality that in the opinion of the council derives special benefit therefrom.
- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint not less than three and not more than seven resident ratepayers to act on its behalf as a board of management for any undertaking under this paragraph and, where the board is composed of five or more persons, at least two shall be members of the council. R.S.O. 1950, c. 243, s. 386, par. 50; 1955, c. 48, s. 37 (2).

64. For accepting and taking charge of land, within or outside the municipality, dedicated as a public park for the use of the inhabitants of the municipality. Accepting land dedicated R.S.O. 1950, c. 243, s. 386, par. 51.

Joint
acquisition
and main-
tenance of
public parks

65. For entering into agreement with one or more municipalities for the purpose of,

- i. acquiring land for and establishing and laying out a public park within the municipality or within any other municipality; and
- ii. maintaining or operating a public park within the municipality or within any other municipality.

Grants re
public parks
outside
municipality

66. For granting aid to another municipality or to a board of park management for the maintenance or operation of a public park outside the municipality. 1955, c. 48, s. 37 (3).

Municipal
parking lots

67. For acquiring, establishing, laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any land vested for any purpose in a municipality, and for leasing such land, buildings or structures, and for regulating, supervising and governing the parking of vehicles therein or thereon, provided a fee is charged and collected for such parking.

Definition
of vehicle

(a) A by-law under this paragraph may define vehicle for the purposes of the by-law.

Application
of s. 476,
par. 7

(b) Land acquired or established for the parking of vehicles under this paragraph and buildings and structures acquired or erected under this paragraph shall be deemed to be a highway for the purposes of paragraph 7 of section 476 and the said paragraph 7 applies to such land, buildings and structures.

Entrances
and exits
from
underground
parking
facilities

(c) A by-law under this paragraph may set aside and designate on any land vested for any purpose in a municipality entrances and exits to or from any underground parking facilities for the use of persons or vehicles, provided no such entrances or exits shall be set aside on a connecting link or extension of the King's Highway without the approval of the Department of Highways.

Procedure
for voluntary
payment of
penalties
out of court

(d) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened and if payment is not made in accordance with such procedure section 482 applies.

Reserve fund

(e) Where a municipality establishes a parking lot or lots or erects buildings or structures therein, thereon or thereunder for such purposes or constructs underground parking facilities in the municipality at the

expense of all the ratepayers of the municipality, the municipality shall establish a reserve fund and deposit therein the net revenue derived from the operation of all parking facilities operated by or on behalf of the municipality or leased by or on behalf of the municipality for parking purposes, including parking meters on highways.

(f) Such reserve fund shall be applied,

Idem

- (i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and
- (ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and
- (iii) thirdly, for such other purposes as the Department may approve.

- (g) (i) A by-law passed under the authority of this paragraph may provide, with the approval of the Municipal Board, that the capital cost thereof, or any part thereof, the annual rental payable under a lease or any operating deficit in the previous year shall be levied against the lands in a defined area in the municipality that in the opinion of the council derive special benefit therefrom, and in that case the by-law shall have appended thereto a schedule establishing the portion of the cost that shall be levied against each parcel of land in the defined area. Levy of parking lot cost against defined area
- (ii) The entire cost chargeable to lands in the defined area shall be equitably apportioned among all the parcels in accordance with the benefits accruing to a parcel from the establishment of the parking lot or in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the defined area.
 - (iii) Where the capital cost or a part thereof is to be levied as provided in subclause i, the council shall give notice of its application to the Municipal Board for approval of the by-law to the assessed owner of each parcel of land in the defined area.
 - (iv) The Municipal Board shall not approve the by-law if a petition objecting to the levy of

the capital cost against the defined area, signed by at least two-thirds of the assessed owners representing at least one-half of the assessed value of the land in the area, is filed with the Board at or prior to the hearing of the application.

- (v) Where a by-law establishing a parking lot provides for levying the capital cost thereof against land in a defined area, the net revenue derived from the operation of such parking lot shall be used to reduce the special levy to be made against the land in the defined area under subclause iii in the proportion the special levy made against each parcel of land bears to the total special levy, and after the debentures have been retired the net revenue derived from the operation of such parking lot shall be paid into the reserve fund set up under clause *e* or, if no reserve fund has been set up under clause *e*, a reserve fund shall be set up for the same purposes and such net revenue paid into the fund and applied in accordance with clause *f*. 1955, c. 48, s. 37 (4), *part*; 1957, c. 76, s. 20 (6-9); 1959, c. 62, s.17 (5, 6).

Independent
parking
authority
authorized

68. For establishing an authority to be known as "The Parking Authority of the of", and may entrust to the parking authority the construction, maintenance, control, operation and management of municipal parking facilities within the municipality.

Incorporation
and
members

- (a) A parking authority established under this paragraph is a body corporate and shall consist of three members, each of whom shall be a person qualified to be elected as a member of the council of the municipality and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Council
members not
qualified

- (b) No member of the council is eligible to be appointed a member of the parking authority.

Vacancies

- (c) Where a vacancy in the parking authority occurs from any cause, the council shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

- (d) Any member is eligible for re-appointment on the expiration of his term of office. Re-appointment of members
- (e) The members may be paid such salary or other remuneration as may be fixed by by-law of the council with the approval of the Department. Salary of members
- (f) Upon the passing of the by-law establishing the parking authority, all the powers, rights, authorities and privileges conferred and duties imposed on the municipal corporation by any general or special Act with respect to the construction, maintenance, operation and management of municipal parking facilities shall be exercised by the parking authority, but subject to such limitations as the by-law may provide. Powers and duties of municipality transferred to authority
- (g) The parking authority shall fix rates and charges for the use of parking facilities under its control and management so that the revenue therefrom shall be sufficient to make such parking facilities self-sustaining. Power to fix rates
- (h) The parking authority shall submit to the council its estimates for the current year at the time and in the form prescribed by council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the parking authority and, when money is so provided by the council, the treasurer of the municipality shall, upon the certificate of the parking authority, pay out such money. Budget and expenditures
- (i) On or before the 1st day of March in each year, the parking authority shall submit its annual report for the preceding year to council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement. Annual report
- (j) The municipal auditor shall be the auditor of the parking authority and all books, documents, transactions, minutes and accounts of the parking authority shall, at all times, be open to his inspection. Audit
- (k) The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the parking authority. Debentures

Abolition of
authority

- (I) Upon the repeal of the by-law establishing the parking authority, the parking authority ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the municipality. 1955, c. 48, s. 37 (4), *part*; 1957, c. 76, s. 20 (10).

War Memorials and Patriotic Objects

Special
undertakings

69. Notwithstanding any general or special Act, subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, museums, including public historical museums, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement within or outside the municipality that may or may not be in commemoration of the persons or any class thereof who served during any war in the armed forces of Her Majesty or Her Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor or for any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.
- (b) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction.
- (c) Any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.
- (d) The councils of two or more municipalities may enter into agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.
- (e) The council may appoint not less than three and not more than seven persons who are qualified to be elected as members of the council to act on its behalf as a board of management for any undertaking under this paragraph and, where the board is

composed of five or more persons, at least two shall be members of the council.

- (f) Where two or more municipalities have entered into agreement under clause *d*, each member of the board shall be a person who is qualified to be elected as a member of the council of one of such municipalities and, where the board is composed of five or more persons, at least two shall be appointed from among the members of the councils of such municipalities.
- (g) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph. R.S.O. 1950, c. 243, s. 386, par. 53; 1954, c. 56, s. 20 (8); 1955, c. 48, s. 37 (5); 1956, c. 50, s. 14 (2); 1958, c. 64, s. 28 (4, 5); 1960, c. 69, s. 16 (5).

70. For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, club-house or athletic grounds by persons who served in the armed forces of Her Majesty or Her Majesty's allies in any war. R.S.O. 1950, c. 243, s. 386, par. 54; 1957, c. 76, s. 20 (11). Exemption from taxation

378. By-laws may be passed,

- (a) by the councils of counties, cities, separated towns and separated townships, and of local municipalities in unorganized territory, Grants for patriotic purposes:
 - (i) for granting aid to any patriotic organization that is duly registered under *The War Charities Act, 1939* (Canada), aid to patriotic organizations
 - (ii) for aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature, aid to rifle associations and militia
 - (iii) for aiding the establishment or maintenance of military bands of music; bands of music
- (b) by the councils of all municipalities,
 - (i) for aiding the establishment or maintenance of local war savings or loan committees, war savings committees
 - (ii) for the establishment and maintenance of emergency measures civil defence organizations, and civil defence
 - (iii) for providing moneys for emergency measures and civil defence, for the purposes of emer- idem

gency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work within the municipality. R.S.O. 1950, c. 243, s. 387; 1953, c. 70, s. 11; 1955, c. 48, s. 38; 1960, c. 69, s. 17.

379.—(1) By-laws may be passed by the councils of local municipalities:

[NOTE.—*For special provisions relating to the exercise by townships of certain of the following powers, see subsections 2 and 3 of this section.*]

Animals and Birds

Regulating
the keeping
of animals,
etc.

1. For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof.

Prohibiting
keeping of
animals, etc.

2. For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes or other animals, except horses or mules, within the municipality or defined areas thereof.

Providing
pounds

3. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound.

Animals
running at
large

4. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

Appraising
the
damages

5. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality.

Compensa-
tion for
impounding
animals

6. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer.

(a) Any by-law passed by the council of a town, village or township under paragraphs 3 to 6 applies to any county highway or part thereof situate within such town, village or township. R.S.O. 1950, c. 243, s. 388 (1), pars. 1-6.

Television Antennae

7. For licensing, regulating and governing persons engaged in the installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae, and for revoking any such licence. 1952, c. 63, s. 16 (1), *part*. Television
installers

Explosives

8. For regulating the keeping, storing and transporting of, Regulating,
storing and
transportation of
explosives
- (a) dynamite, dualin, nitro-glycerine or gunpowder;
 - (b) petroleum, gasoline or naphtha;
 - (c) detonators and detonator caps; and
 - (d) other dangerous or combustible, inflammable or explosive substances. R.S.O. 1950, c. 243, s. 388 (1). par. 16; 1958, c. 64, s. 29 (1).

9. For regulating and providing for the support by fees of magazines belonging to private persons for the storage of the substances mentioned in clause *a* of paragraph 8, and for requiring them to be stored in such magazines. Fees for
support of
magazines

10. For erecting and maintaining within or without the limits of the municipality magazines for the storage of the substances mentioned in clause *a* of paragraph 8, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines. Erecting
and main-
taining
magazines

11. For limiting the quantity of the substances mentioned in clause *a* of paragraph 8 that may be kept in any place other than such a magazine, and for regulating the manner in which they are to be kept or stored. Limiting
quantity to
be kept

12. For prohibiting or regulating the establishment within the municipality of factories or other places for the manufacture or storage of any of the substances mentioned in clause *a* of paragraph 8. Prohibiting
manufac-
ture of
explosives

13. For requiring the submission of plans of the premises including the buildings upon or in which it is proposed that such manufacture or storage shall take place, and the approval of them by the council before the manufacture or storing is commenced. Submission
of plans of
premises

14. For requiring such buildings to be surrounded by walls or fences and for regulating the height and description of such walls or fences and their distance from such buildings, and also the distance from any other building, at which such manufacture or storage may be carried on. Height and
description
of fences
around
buildings

Regulating
business of
manufac-
turing ex-
plosives

15. For regulating the carrying on of the business of manufacturing or storing such substances, whether the business has been heretofore or is hereafter established, and prescribing the precautions to be taken for the prevention of fires and accidents from the combustion or explosion of such substances.

Licences
for carrying
on business

16. For granting licences for the carrying on of the business of manufacturing the substances mentioned in paragraph 8 or for storing them in quantities of more than twenty-five pounds, and prescribing the time, not exceeding five years, during which the licences shall remain in force, provided that the licence fee shall not exceed \$25 a month for every month in which such business is carried on.

Storing, etc.,
of gasoline,
etc.

17. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances.

Fences

Height and
kind of
fence

18. For prescribing the height and description of lawful fences.

Along
highways

19. For prescribing the height and description of, and the manner of maintaining, keeping up and laying down, fences along highways or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.

Division
fences,
apportion-
ment of cost

20. For determining how the cost of division fences shall be apportioned, and for providing that any amount so apportioned shall be recoverable under *The Summary Convictions Act*, provided that, until a by-law is passed, *The Line Fences Act* applies.

R.S.O. 1960,
cc. 387, 216

Barbed wire
fences

21. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other barbed material to be provided by the owner of the land, and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

Water ga s

22. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or water-course. R.S.O. 1950, c. 243, s. 388 (1), pars. 17-30.

Fences
around
private
outdoor
swimming
pools

23. For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates. 1957, c. 76, s. 21 (3).

Fire Matters

24. For acquiring land and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection, and for issuing debentures therefor without the assent of the electors.

Fire halls,
fire-fighting
equipment

25. For appointing fire wardens, fire engineers and fire fighters and for promoting, establishing and regulating fire, hook-and-ladder and property-saving companies.

Establish-
ing fire
companies,
etc.

26. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding houses, lodging houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement.

Providing
against
accidents
by fire

27. For regulating smoking in retail shops in which ten or more persons are employed, or in any class or classes thereof, and for prohibiting smoking in such shops or any class or classes thereof, or in any part or parts thereof. R.S.O. 1950, c. 243, s. 388 (1), pars. 31-34.

Smoking
in shops

28. For prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires. R.S.O. 1950, c. 243, s. 388 (1), par. 36.

Prescribing
times for
setting fires
and pre-
cautions

29. For prohibiting or regulating the discharge of guns or other firearms, air-guns and spring-guns or any class or type thereof in the municipality or in any defined area or areas thereof.

Discharge of
firearms

30. For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year.

Sale of
fireworks

31. For prohibiting or regulating the setting off of fireworks in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit. 1956, c. 50, s. 15 (1).

Setting off
fireworks

32. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in defined areas of the municipality. R.S.O. 1950, c. 243, s. 388 (1), par. 39.

Wooden
buildings

33. For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire.

Fire in
stables, etc.

34. For prohibiting or regulating the carrying on of manufactures or trades that may be deemed dangerous in causing or spreading fire. R.S.O. 1950, c. 243, s. 388 (1), pars. 44, 45.

Dangerous
manufac-
tures

- Chimney cleaning 35. For regulating and enforcing the proper cleaning of chimneys. R.S.O. 1950, c. 243, s. 388 (1), par. 48; 1959, c. 62, s. 18 (2).
- Removal of ashes 36. For regulating the mode of removal and safe keeping of ashes. R.S.O. 1950, c. 243, s. 388 (1), par. 49.
- Scuttles, ladders, etc., to roof 37. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof.
- Guarding buildings against fire 38. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident.
- Fire buckets 39. For requiring each inhabitant to provide as many fire buckets in such manner and at such time as may be prescribed; and for regulating the inspection of them and their use at fires.
- Inspection of premises 40. For authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the by-law.
- Preventing spreading of fire 41. For suppressing fires, and for pulling down or demolishing buildings, or other erections when deemed necessary to prevent the spread of fire.
- Enforcing assistance at fires 42. For regulating the conduct and enforcing the assistance of persons present and for the preservation of property at fires.
- Regulations 43. For making such other regulations for preventing fires and the spread of fires as the council may deem necessary.

Food and Fuel

- Regulating the delivery or exposure for sale of meat, etc. 44. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal.
- Inspection of provisions 45. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops.
- Seizing tainted food 46. For authorizing the seizing and destroying of tainted and unwholesome articles of food.
- Power to buy and sell fuel and food 47. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board:
- i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.

- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.
- iii. For appointing officers, clerks and servants to manage and conduct such businesses.
- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
- (a) The by-law need not be assented to by the electors, but requires a vote of two-thirds of all the members of the council.
- (b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council.

General

48. For fixing the assessment of the property of any person carrying on or proposing to carry on within the municipality any manufacturing business including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier, or the land and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the governments of Canada and Ontario or either of them on such terms and conditions as the council may deem proper. Fixed assessment

- (a) The fixed assessment shall not be for a longer period Term than ten years, shall not be renewable and shall not apply to or affect taxation for school purposes or local improvements.
- (b) No by-law shall be passed granting a fixed assessment in respect of a business that has at any time Previous fixed assessment theretofore enjoyed a fixed assessment of the same property.
- (c) A by-law shall not be passed except with, firstly, Assent of electors, etc. the affirmative vote of not less than three-quarters of all the members of the council, and secondly, the assent of not less than two-thirds of the electors qualified to vote on money by-laws who vote on the by-law.

Who not to
vote on
by-law

- (d) No person to whom, and no person who is interested in or holds shares in a company, and no nominee of a corporation to which, a fixed assessment is to be granted is entitled to vote on the by-law.

When fixed
assessment
not to be
granted

- (e) No by-law shall be passed granting a fixed assessment in respect of a branch of industry of a similar nature to one established in the municipality unless the person by whom it is carried on consents in writing to the granting of the fixed assessment.

Fixed
assessment
not to be
granted to
industry
established
elsewhere

- (f) No by-law shall be passed granting a fixed assessment in respect of a business established elsewhere in Ontario or that has been removed to the municipality from another municipality in Ontario whether the business is to be carried on by the same person or by a person deriving title or claiming through or under him or otherwise or by such person in partnership with another person or by a joint stock company or otherwise.

Bonus by
fixed assess-
ment only

- (g) Notwithstanding any general or special Act, the power of every municipal corporation in Ontario to grant bonuses in aid of any manufacturing business, including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier, or the land and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the governments of Canada and Ontario or either of them, is limited to a fixed assessment as provided in this paragraph.

Industrial
sites

49. With the assent of the electors qualified to vote on money by-laws, or with the approval of the Department, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and industrial operations.

General
by-law

- (a) The assent of the electors may be obtained by the submission of a general by-law authorizing the acquiring or expropriating of land for industrial sites and for borrowing money for that purpose not exceeding a stated amount, and, if the assent of the electors is obtained to the by-law, the council may by a two-thirds vote of all the members and without further assent of the electors pass by-laws from time to time to borrow money for that purpose by the issue of debentures payable within a term of not more than thirty years from the issue thereof.

Approval of
sales and
leases

- (b) No land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario,

1937, or acquired under this paragraph, shall be sold or leased except with the approval of the Department, and no such approval shall be given if the price or rental is, in the opinion of the Department, less than the fair market value or fair rental value, as the case may be.

- (c) Where land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under a by-law passed under this paragraph, is sold or leased with the approval of the Department, such sale or rental shall be deemed not to be a bonus within the meaning of clause g of paragraph 48. R.S.O. 1950, c. 243, s. 388 (1) pars. 51-63. Sales and leases hereunder deemed not bonuses
- (d) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under a by-law passed under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in respect of any services supplied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality. 1951, c. 53, s. 16 (3). Application of receipts where debt outstanding
R.S.O. 1960, c. 223
- (e) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or acquired under this paragraph, with the approval of the Department may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board. 1957, c. 76, s. 21 (5). Use of land by municipality
R.S.O. 1960, c. 98

50. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a civilian band or bands of music and for making annual or other grants from such fund to any civilian band or bands or to the members thereof. Establishing funds for bands

- (a) No by-law shall be passed under this paragraph unless the assent of the electors qualified to vote on money Assent of electors requisite

by-laws has first been obtained, and no by-law passed with such assent shall be repealed except with the like assent.

Submission
of by-law on
petition

- (b) Upon a petition for the establishment of a fund under this paragraph being presented to the council of a municipality signed by not less than 15 per cent in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next ensuing municipal elections submit a by-law for the establishment of the fund for the assent of such electors and, if it is assented to, shall pass the by-law. R.S.O. 1950, c. 243, s. 388 (1), par. 64; 1957, c. 76, s. 21 (6).

Disqualify-
ing electors
in arrear
for taxes

51. For disqualifying from voting an elector whose taxes on land on the day fixed for nomination at the municipal election are overdue and unpaid. R.S.O. 1950, c. 243, s. 388 (1), par. 65; 1957, c. 76, s. 21 (7).

By-laws
authorizing
undertakings
and borrow-
ing therefor

52. For authorizing the completion, improvement, alteration, enlargement or extension of any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission and for issuing debentures therefor.

Interpre-
tation

- (a) In this paragraph,

(i) "public utility undertaking" means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, and a transportation system, and includes any lands, buildings or equipment required for the administration or operation of any such system,

(ii) "public utility commission" means a commission or board having the control and management of a public utility undertaking.

Assent of
electors not
required

- (b) No such by-law requires the assent of the electors if the by-law authorizing the undertaking has been approved by the Municipal Board and passed by a vote of three-fourths of all the members of the council.

Approval of
Municipal
Board

- (c) Such approval may be given if the Municipal Board is satisfied that the proposed work is in the public interest and that the proposed borrowing is required, and the Municipal Board shall have due regard to the financial position of the undertaking and to its

net revenues and to the additional revenue, if any, that might be derived as a result of the proposed work.

- (d) This paragraph applies to any municipality operating any such undertaking under the authority of a special Act, and any provision in such special Act requiring the assent of the electors does not apply to the borrowing of money for the purposes of this paragraph. Application of paragraph
- (e) This paragraph does not apply to a proposed work that the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*, or that the Ontario Water Resources Commission has required a municipality to undertake, as provided in *The Ontario Water Resources Commission Act*. Idem R.S.O. 1960, c. 321, 281
- (f) The council of a township may exercise the powers conferred by this paragraph in respect of the whole township or any defined area thereof. R.S.O. 1950, c. 243, s. 388 (1), par. 66; 1956, c. 50, s. 15 (2, 3); 1958, c. 64, s. 29 (2, 3). Defined areas in townships

53. For acquiring, establishing, constructing, maintaining and operating a street lighting system. 1958, c. 64, s. 29 (4). Street lighting systems

54. For requiring the occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done. Removal of snow and ice from roofs and sidewalks of occupied premises

55. For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 485. R.S.O. 1950, c. 243, s. 388 (1), pars. 67, 68. Removal of snow and ice from roofs and sidewalks of unoccupied premises

56. For clearing away and removing snow and ice from the sidewalks on any highway or part of a highway or any class thereof in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, or any class thereof, at the Removal of snow and ice from sidewalks

expense of the owners, and for collecting or recovering the expenses incurred in so doing in any manner including the manner provided by section 485. 1953, c. 70, s. 12, *part*.

Right to
enter
adjoining
lands

57. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry. R.S.O. 1950, c. 243, s. 388 (1), par. 69.

Sparring
exhibitions
and boxing
matches

58. For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief constable in a city or town, or of the reeve in townships and villages. R.S.O. 1950, c. 243, s. 388 (1), par. 71.

Motor
vehicle and
motorcycle
racing

59. For prohibiting, or for licensing, regulating and governing, the racing of motor vehicles or motorcycles, or one or more defined classes thereof, in the municipality or one or more defined areas thereof; and for prohibiting, or for licensing, regulating and governing, the holding of motor vehicle or motorcycle races, or one or more defined classes thereof, in the municipality or one or more defined areas thereof. 1952, c. 63, s. 16 (3), *part*.

Corporation
surveyor
and
engineers

60. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers.

Powers of
engineer

(a) An engineer so appointed and his assistants, in the performance of their duties, possess all the powers, rights and privileges that a surveyor possesses under section 6 of *The Surveys Act*.

R.S.O. 1960,
c. 390

Destruction
of tussock
moths

61. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them.

Health, Sanitation and Safety

Bathing

62. For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality. R.S.O. 1950, c. 243, s. 388 (1), pars. 72-74.

Adequate
heat in
rented
accommoda-
tion

63. For requiring the maintenance of adequate and suitable heat for rented or leased dwelling or living accommodation that, as between tenant or lessee and the landlord, is normally heated by or at the expense of the landlord, for defining adequate and suitable heat for such purposes and for providing for the inspection of such dwelling or living accommodation. 1956, c. 50, s. 15 (4).

64. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide for the use of the workmen, employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them.

Conveniences to be provided by builders

65. For providing blank forms for recording and reporting cases of contagious or infectious diseases, for placarding houses wherein such cases exist, and for taking such measures as may be deemed necessary for preventing the spread of such diseases. R.S.O. 1950, c. 243, s. 388 (1), pars. 75, 76.

Contagious diseases

66. For requiring the use within the municipality or a defined area of it of dry earth closets.

Dry earth closets

67. For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

Expenses of cleaning closets, etc.

(a) For such purpose, the corporation, its officers and servants have all the powers of the local board of health and its officers and servants.

Powers

(b) The council may provide for the expense incurred in such work by imposing in the by-law authorizing the work or in a separate by-law a fixed fee or graded fees varying according to the different kind of premises served, the time involved in service and such other matters as the council may consider applicable, and such fees shall be rated and assessed against the lands in respect of which such services are rendered in the collector's roll of the municipality and collected and recovered in like manner as municipal taxes.

Fixed or graded fees

(c) The council may provide that the collection, removal and disposal by the corporation of the contents of earth closets or other sanitary closets throughout the whole municipality, or in defined areas of it, shall be done at the expense of the owners, householders or occupants of the land therein, and where such service is at the expense of the owner may impose upon such land a special rate according to its assessed value which shall be collected and recovered in like manner as municipal taxes, or may impose upon the owners, householders and occupants of any building on such land a monthly rate in lieu of such special rate which shall be collected and recovered in like manner as municipal taxes.

Special rate, assessed value or monthly

68. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yard and vacant lots and the altering, relaying or repairing of private drains.

Filling up, draining, etc., private drains

Regulations
for sewerage,
etc.

69. For making any other regulations for sewage or drainage that may be deemed necessary for sanitary purposes. R.S.O. 1950, c. 243, s. 388 (1), pars. 78-81.

Sewage
works

70. For establishing, acquiring, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof. 1953, c. 70, s. 12, *part*; 1957, c. 76, s. 21 (8).

Drain
connections

71. For constructing service drains from a sewer to the line of the highway and for charging the owner of the premises for which the service drain is constructed the cost of such construction, which may be collected or recovered in like manner as taxes. 1953, c. 70, s. 12, *part*.

Closing and
filling up
cesspools,
etc.

72. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cesspools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health.

Obstruction
of drains

73. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situate on a public highway. R.S.O. 1950, c. 243, s. 388 (1), pars. 82, 83.

Plumbing
inspection
fees

74. For charging a fee for the inspection of plumbing, sewers, septic tanks, cesspools, water closets, earth closets, privies and privy vaults where, under this or any other Act, approval or a certificate of compliance or such inspection is required. 1953, c. 70, s. 12, *part*.

Collection,
removal and
disposal of
garbage, etc.

75. For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient, and for acquiring land within the municipality or in any adjacent municipality with the consent of the council thereof for any of the purposes of this paragraph, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be deemed necessary for the purposes of this paragraph.

(a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

76. For entering into agreement with any adjoining municipality for the disposal by such municipality of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient.

Agreement re garbage disposal with adjoining municipality

77. For the collection, removal and disposal by the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

Special rate for cost

- (a) Subject to clause c, no land is exempt from the special rate, notwithstanding anything to the contrary in any general or special Act or in any by-law.
- (b) The special rate may be collected or recovered in the manner provided by section 485.
- (c) In the case of a place of worship, the council may by by-law provide that the special rate shall be imposed upon the land according to its assessed value exclusive of the assessed value of the buildings.

No land exempt

Recovery of special rate

Special rate on churches

78. For charging the owners, householders or occupants of any building in the municipality a monthly rate in lieu of the special rate for such collection, removal and disposal of ashes, garbage or other refuse and for providing that the monthly rate may be collected or recovered in the manner provided by section 485 and for the exemption of any class of land owners, householders or occupants from the monthly rate.

Monthly rates

79. For regulating and inspecting the construction and erection of hoists, scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding. R.S.O. 1950, c. 243, s. 388 (1), pars. 84-88.

Construction of hoists, scaffolding, etc.

80. For regulating and controlling the excavating of trenches and persons doing work in connection therewith and prescribing requirements in respect of the excavating and use of trenches for the protection of persons working therein; and for requiring the submission of plans of trenches and of the shoring and timbering thereof and for charging fees for the inspection and approval of such plans, and for providing for the issue of permits certifying to such approval without which permit no trench may be excavated and for fixing the fees for such permits and for revoking such permits. 1954, c. 56, s. 21 (3).

Excavating trenches

Maintaining
public con-
veniences

81. For constructing and maintaining lavatories, urinals, water closets and like conveniences, where deemed requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order. R.S.O. 1950, c. 243, s. 388 (1), par. 89.

Investiga-
tions and
reports as to
utilities

82. For procuring investigations and reports as to water works or water supply systems, electrical power or energy generating, transmission or distribution systems, natural or artificial gas works or supply systems, sewer, sewer systems or sewage works, or transportation systems, and may issue debentures therefor.

- (a) It is not necessary to procure the assent of the electors to any by-law passed under this paragraph.
- (b) Instead of making a separate issue of debentures to defray the expenses of such investigation and report, the council may provide that such expenses shall be included in the cost of the work and be paid out of the proceeds of any debentures issued therefor. 1952, c. 63, s. 16 (3), *part*; 1956, c. 50, s. 15 (5).

Extension
of sewers
into adjoining
municipi-
pality

83. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon or, in case of failure to agree, as may be determined by arbitration.

- (a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrator shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal that is contemplated, and whether the extension or connection should be allowed to be made.
- (b) Nothing in this paragraph authorizes the making of an open drain or sewer, or affects *The Ditches and Watercourses Act*, or limits any of the powers conferred on townships by that Act.

R.S.O. 1960,
c. 109

Slaughter
houses

84. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, provided that in towns, villages and townships this paragraph does not apply to the slaughter of animals for the use of the person killing them or of his family. R.S.O. 1950, c. 243, s. 388 (1), pars. 90, 91.

Trailers and Trailer Camps

85. For prohibiting the use, and for prohibiting the owner ^{Trailers} or lessee of any trailer from permitting the use, of any trailer for the living, sleeping or eating accommodation of persons, within the municipality or one or more defined areas thereof, for more than such number of days, not less than sixty, as the by-law provides, in any period of ten consecutive months.

- (a) In this paragraph, "trailer" means any vehicle so ^{Interpre-} constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.
- (b) A by-law passed under this paragraph may be made ^{Application} to apply to any trailer whether or not such trailer was ^{of by-law} used for the living, sleeping or eating accommodation of persons before the by-law was passed.
- (c) The by-law may provide for imposing penalties of not ^{Penalties} less than \$10 and not more than \$50, exclusive of costs, upon every person who contravenes the by-law, and may provide that each day that a person contravenes the by-law shall be deemed to constitute a separate offence. 1952, c. 63, s. 16 (3), *part*.
- (d) For the purposes of this paragraph, a trailer shall be ^{Use} deemed to be in use on every day it is located in the municipality or in the defined area or areas, as the case may be, but this clause does not apply where the trailer is located in the municipality or the defined area or areas only for the purpose of sale or storage. 1955, c. 48, s. 39 (2).

86. For licensing trailers, as defined in paragraph 85, ^{Licensing of} located in the municipality, except in a trailer camp, for thirty ^{trailers} days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp, without a licence therefor.

- (a) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the ^{Application} purpose of sale or storage. ^{of by-law}
- (b) Licence fees may be charged for every month or por- ^{Licence fees} tion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month. 1956, c. 50, s. 15 (6); 1960, c. 69, s. 18 (1).

Municipal
trailer
camps

87. For acquiring, establishing, maintaining and operating trailer camps or trailer parks and for acquiring land for such purposes and for installing such services for the use of the occupants of the trailer camps or trailer parks as the council may deem expedient and for fixing the fees to be paid by the occupants of the trailer camps or trailer parks.

- (a) In this paragraph, "trailer camp" or "trailer park" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.
- (b) Where a municipal corporation operates a trailer camp or trailer park, the corporation shall pay to the public school board, separate school board or high school board, as the case may be, for each child residing in a trailer in the trailer camp or trailer park and attending a school under the jurisdiction of the board such fees monthly as may be prescribed by the board concerned for non-resident pupils, but the fees shall not exceed the average cost per pupil of the maintenance of the school for the next preceding calendar year less legislative grants. 1957, c. 76, s. 21 (9).

Highways and Sidewalks

Bus
franchises
R.S.O. 1960,
c. 255

88. Subject to *The Municipal Franchises Act*, for entering into agreement with any person for a period not exceeding ten years for granting to such person the exclusive right to maintain and operate buses, for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.

- (a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.
- (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.
- (c) The agreement does not affect a licence granted under *The Public Vehicles Act*.

R.S.O. 1960,
c. 337

- (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.

89. For prohibiting or regulating coasting or tobogganing on the highways. Coasting and tobogganing

90. For prohibiting children from riding on the platforms of cars, or riding behind or getting on wagons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes. Prohibiting children from riding behind wagons, etc.

91. For allowing any person owning or occupying any building or other erection that by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council may deem reasonable for such owner or occupant to pay for such privilege. Buildings encroaching on highway

- (a) Such fee or charge forms a charge upon the land used in connection therewith and is payable and payment of it may be enforced in like manner as taxes are payable and the payment of them may be enforced, but nothing herein affects or limits the liability of the municipality for all damages sustained by any person by reason of any such erection upon a highway.

92. For permitting the use of a portion of any highway or boulevard by the owner or occupant of land adjoining such highway or boulevard during building operations upon such land for the storage of materials for such building or for the erection of hoardings: for fixing and collecting a fee or charge for such use according to the area occupied and the length of time of such occupation, and for regulating the placing of such materials or hoardings, the restoration of such highway or boulevard to its original condition, the payment of such fee or charge, and the giving of permits for such privilege. R.S.O. 1950, c. 243, s. 388 (1), pars. 92-96. Use of highway or boulevard during building operations

93. For permitting window air-conditioners, cornices, eaves, awning containers, awning covers, sills, brackets and other similar projections beyond the main walls of buildings to encroach upon a highway at a height of not less than eight feet above the grade thereof established by the corporation. R.S.O. 1950, c. 243, s. 388 (1), par. 97; 1956, c. 50, s. 15 (7). Projections

94. For permitting existing buildings to encroach or further encroach upon a highway to such extent, not exceeding two inches, as may be necessary to provide for refacing any such building. 1957, c. 76, s. 21 (10). Refacing encroachments on highways

Marking the
boundaries
of and
naming
streets, etc.

95. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

Proceedings
for changing
names of
streets

- (a) A by-law for changing the name of a highway does not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in *The Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change, he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of registration.

Laying of
poles, wires,
pipes or
conduits on
street
R.S.O. 1960,
c. 255

96. For regulating and, subject to *The Municipal Franchises Act* and on such terms and conditions as the council may deem expedient, for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity across or along any highway or public place, or permitting any person supplying electricity for light, heat or power to lay down pipes or conduits for enclosing wires for the transmission of electricity under any highway or public place, provided that a by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

97. Subject to *The Power Commission Act*, for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along, any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon.

Laying
pipes or
conduits for
electric
wires

98. For authorizing any person supplying steam for heat or power to lay down pipes or conduits for transmitting steam under the highways or public squares, on such terms and conditions as the council may deem expedient.

Transmit-
ting steam
under
highways

- (a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation. R.S.O. 1950, c. 243, s. 388 (1), pars. 98-101.

99. Notwithstanding the other provisions of this Act or any other general or special Act but subject to *The Power Commission Act* and *The Public Utilities Act*, for authorizing and regulating,

Transmission
poles, wires,
etc.
R.S.O. 1960,
cc. 300, 335

- i. the erection and maintenance upon, across or along any highway or public place of poles, towers, wires, cables, amplifiers and other accessory equipment, and the construction and laying down of pipes, ducts and conduits for enclosing wires, cables, amplifiers and other accessory equipment, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof, and
- ii. the placing and maintenance of such equipment upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes, ducts and conduits.

- (a) For the purposes of this paragraph, "body" means The Hydro-Electric Power Commission of Ontario in respect of its works and a local board, as defined in *The Department of Municipal Affairs Act*, in respect of its works.

R.S.O. 1960,
c. 98

(b) A by-law passed under this paragraph may be in respect of the whole of the municipality or a defined area or defined areas thereof, and any such area may be enlarged, reduced, dissolved or amalgamated at the discretion of the council and section 15 does not apply.

(c) Nothing in this paragraph authorizes the granting of an exclusive franchise or the establishment of a monopoly. 1953, c. 70, s. 12, *part*; 1956, c. 50, s. 15 (8).

Water and
gas pipes
in highways
R.S.O. 1960,
c. 255

100. Subject to *The Municipal Franchises Act*, for authorizing the laying down, maintenance and use of pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across any highway under the jurisdiction of the council. R.S.O. 1950, c. 243, s. 388 (1), par. 102; 1952, c. 63, s. 16 (4).

Driving,
etc., upon
sidewalks

101. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

Spitting on
sidewalks,
in public
buildings,
etc.

102. For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances and in such other public places as may be designated in the by-law.

Use of
highways
to solicit
business

103. For prohibiting persons from soliciting or importuning, on a highway or in a public place, others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed.

(a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

Telephone
booths

104. For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council may deem reasonable. R.S.O. 1950, c. 243, s. 388 (1), pars. 103-106.

Regulating
traffic
R.S.O. 1960,
c. 172

105. Subject to *The Highway Traffic Act*, for regulating traffic on the highways and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places specified in the by-law, and for prohibiting traffic in any but one direction in highways that, in the opinion of the council, are too narrow for the passing of one vehicle by another or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction.

- (a) A by-law under this paragraph may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 482 applies. R.S.O. 1950, c. 243, s. 388 (1), par. 107; 1956, c. 50, s. 15 (9). Expeditious procedures authorized for parking offences

106. Subject to the approval of the Minister of Transport, to establish all or any part of any street solely or principally as a way for the use of pedestrians and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods as may be specified. 1960, c. 69, s. 18 (2), *part*. Pedestrian ways or malls

107. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon. R.S.O. 1950, c. 243, s. 388 (1), par. 108. Safety zones

108. For prohibiting the parking or leaving of motor vehicles on private property without authority from the owner or occupant of such property and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner thereof. Prohibiting unauthorized parking on private property

- (a) Clause *a* of paragraph 105 applies to penalties provided by a by-law passed under this paragraph.
- (b) Subsection 11 of section 89 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1960, c. 172
- (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
- (d) The driver or owner of a motor vehicle parked or left on private property is not liable to a penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the occupant or any adult resident of the property. 1958, c. 64, s. 29 (5).

109. Requiring all residents in the municipality owning and using any wheeled vehicle or any kind or class thereof other than a motor vehicle and a trailer as defined in *The Highway* Licensing users of wheeled vehicles

Traffic Act to obtain a licence therefor before using it upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act. R.S.O. 1950, c. 243, s. 388 (1), par. 109; 1951, c. 53, s. 16 (5); 1955, c. 48, s. 39 (3).

Nuisances, Signs, etc.

Gas works,
distilleries,
etc.

110. For prohibiting or regulating the erection or continuance of gas works, tanneries or distilleries or other manufactories or trades that, in the opinion of the council, may prove to be or may cause nuisances.

Noxious manufac-
tures and
trades

111. For regulating manufactures and trades that in the opinion of the council may prove to be or may cause nuisances. R.S.O. 1950, c. 243, s. 388 (1), pars. 110, 111.

Control of
land used
for disposal
of refuse

112. For prohibiting or regulating and inspecting the use of any land or structures within the municipality or any defined area or areas thereof for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.

(a) A by-law under this paragraph,

(i) may establish a schedule of fees chargeable upon inspection of such regulated land or structures,

(ii) may require the owners, lessees or occupants of such land or structures, at the expense of the owners, lessees or occupants, to cease using such land or structures for such purposes, or to cover over any garbage, refuse, or domestic or industrial waste in any prescribed manner, whether or not such land or structures were so used before the passing of the by-law,

(iii) may define industrial or domestic waste.

Storing
motor
vehicles for
salvage

113. For prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal. 1955, c. 48, s. 39 (4).

Noise

114. For prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises, or noises calculated to disturb the inhabitants. R.S.O. 1950, c. 243, s. 388 (1), par. 112.

115. For licensing, regulating and governing the owners ^{P.A. systems,} or operators of public address systems, sound equipment, ^{etc.} loud speakers or similar devices when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto. 1951, c. 53, s. 16 (6).

116. For prohibiting and abating public nuisances.

Nuisances

117. For prohibiting the hauling of dead horses, offal, night ^{Hauling} soil or any other offensive matter or thing along any highway ^{dead horses,} during the hours of daylight. R.S.O. 1950, c. 243, s. 388 (1), ^{etc., through} the streets ^{the streets} in daylight ^{in daylight} pars. 113, 114.

118. For prohibiting the carrying on or operation of a pit ^{Operation} or quarry in any area in which the use of land is restricted to ^{of pits} residential or commercial use by a by-law passed, or an official ^{and} plan adopted, before the 1st day of January, 1959, provided ^{quarries} no by-law passed under this paragraph shall come into force until approved by the Municipal Board or shall apply to a pit or quarry made or established before the 1st day of January, 1959, except to prohibit the enlargement or extension of any such pit or quarry beyond the limits of the land owned and used in connection therewith on the 1st day of January, 1959. 1959, c. 62, s. 18 (3).

119. For regulating the operation of pits and quarries ^{Pits and} within the municipality and for requiring the owners of pits ^{quarries} and quarries that are located within 300 feet of a road and that have not been in operation for a period of twelve consecutive months to level and grade the floor and sides thereof and the area within 300 feet of their edge or rim so that they will not be dangerous or unsightly to the public. 1958, c. 64, s. 29 (6).

120. For regulating the location, erection and use of stables, ^{Location of} garages, barns, outhouses and manure pits. ^{stables,} ^{garages, etc.}

121. For prohibiting the posting or exhibition of placards, ^{Indecent} play bills, posters, writing or pictures or the writing of words, ^{placards,} or the making of pictures or drawings, which are indecent or ^{etc.} may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place.

122. For prohibiting or regulating the erection of signs or ^{Posters} other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway. R.S.O. 1950, c. 243, s. 388 (1), pars. 116-118.

123. For prohibiting or regulating the nailing or other- ^{Attaching} wise attaching of anything or the causing of anything to be so ^{of things} nailed or otherwise attached to or upon any property managed ^{to property} and controlled by a public utility commission or of a local ^{of public} utility ^{utility}

board as defined in subclause ii of clause *a* of paragraph 59 of section 377. 1960, c. 69, s. 18 (2), *part*.

Pulling
down of
signs and
notices

124. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed. R.S.O. 1950, c. 243, s. 388 (1), pars. 116-119.

Control of
sewage

125. For prohibiting and regulating the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not. 1953, c. 70, s. 12, *part*.

Trades and Businesses

Fixing time
for delivery
of coal

126. For requiring every dealer in coal who takes orders for coal for future delivery, and accepts payment in full or on account of such order, to deliver to the purchaser the coal so ordered within the time or times fixed by the by-law. R.S.O. 1950, c. 243, s. 388 (1), par. 120.

Public
garages,
licensing, etc.

127. For licensing and regulating the owners or operators of public garages, and for fixing the fees for such licences, and for revoking such licences, and for imposing penalties for breaches of such by-law and for the collection thereof.

- (a) For the purpose of this paragraph, a public garage includes an automobile service station as defined in clause *a* of paragraph 128, a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles. R.S.O. 1950, c. 243, s. 388 (1), par. 121; 1958, c. 64, s. 29 (7); 1959, c. 62, s. 18 (4).

Automobile
service
stations
in restricted
areas

128. For licensing, regulating and governing the owners or keepers of automobile service stations located or erected since the 25th day of June, 1928, within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations was on the said date or at any time thereafter prohibited by a by-law, and for fixing a fee not exceeding \$10 for such licence, and for providing that a licence shall not be granted to any person as an owner of a public garage located or erected within any such area or on any such land notwithstanding that prior to the passing of this section any such person may have been granted a licence as the owner of a public garage.

(a) For the purposes of this paragraph, an automobile service station means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.

(b) No person owning or keeping an automobile service station licensed under this paragraph shall use or permit it to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building, for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any accessories mentioned in clause *a* except in an enclosed building, or for exhibiting the same for sale in any display window, or for performing therein any repairs to motor vehicles other than those mentioned in clause *a*, or for storing and keeping for sale any article, accessory or merchandise of any kind other than those expressly mentioned in clause *a* hereof, and it is the duty of such owner or keeper to prevent the use of an automobile service station for any such prohibited purpose.

(c) The owner or keeper of an automobile service station guilty of any infraction of any of the provisions of clause *b* is subject to the penalties set forth in the by-law permitting the location or erection thereof or the licensing of the same as for an infraction of such by-law.

(d) Nothing in this paragraph shall be deemed to authorize the location or erection of any automobile service station contrary to any by-law in force under section 30 of *The Planning Act* or a predecessor of such section. R.S.O. 1950, c. 243, s. 388 (1), par. 122. R.S.O. 1960,
c. 296

(e) A licence may be required under this paragraph in addition to a licence under paragraph 127. 1958, c. 64, s. 29 (8).

129. For limiting the number of public garages and automobile service stations where gasoline is stored or kept for sale. Limitation
of number
of garages,
etc.

130. For regulating, controlling and inspecting heating and cooking appliances, or any classes thereof, the installation thereof and the storage of fuel for use in connection therewith. Heating and
cooking
equipment

Persons
installing
heating
equipment

131. For licensing, regulating and governing persons engaged in the installation of hot air, hot water and steam heating equipment of any kind. R.S.O. 1950, c. 243, s. 388 (1), pars. 123-125.

Adoption of
codes and
standards

132. For the purposes of any by-law passed under paragraph 130 or 131, or paragraph 6 of section 31 of *The Planning Act*, for adopting by reference to the Ontario Regulations as amended from time to time the codes and standards or the parts thereof as adopted and changed by the Ontario Energy Board by regulation under *The Ontario Energy Board Act*. 1958, c. 64, s. 29 (9).

R.S.O. 1960,
cc. 271, 296

Lending
libraries

133. For licensing, regulating and governing lending libraries that are carried on or operated for the purpose of profit or gain.

- (a) The fee to be paid for the licence shall not exceed \$2.
- (b) Nothing in this paragraph applies to or affects the lending or circulation of books, magazines, periodicals or other printed works by any religious body or incorporated educational institution.

Lodging
houses

134. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence.

- (a) In this paragraph, "lodging house" means any house or other building or portion thereof in which persons are harboured, received or lodged for hire but does not include an hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.
- (b) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging houses or lodging house keepers, and may provide for the issue and revocation of licences by the local board of health and for prohibiting the use of premises licensed under the by-law except for the purposes for which the licence was issued and may fix the licence fee for any class or classes of lodging houses in accordance with a scale for each class or the number of inmates permitted in the lodging house. R.S.O. 1950, c. 243, s. 388 (1), pars. 126, 127.

Special Provisions re Townships

Certain
by-laws of
townships

(2) A by-law passed by the council of a township under any of paragraphs 32 to 43 of subsection 1 may be made applicable

to the township or one or more defined areas thereof as set out in the by-law.

(3) A by-law passed by the council of a township under *Idem* paragraph 81 of subsection 1 may provide that the expenses mentioned in the paragraph shall be defrayed by a special rate upon the rateable property in the whole township or in one or more defined areas thereof as set out in the by-law. R.S.O. 1950, c. 243, s. 388 (2, 3).

380.—(1) In this section,

Interpre-
tation

- (a) "benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of sewage works, and
 - (i) "immediate benefit" means the benefit that accrues and is derived or derivable immediately upon completion of the sewage works, and
 - (ii) "deferred benefit" means the benefit that accrues upon completion of the sewage works but which is not derived or derivable therefrom until a sewer upon which the land will abut is constructed as part of the sewage works;
- (b) "capital cost" means the cost of constructing sewage works, inclusive of all items of cost usually and properly chargeable to capital account;
- (c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (d) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- (e) "sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- (f) "sewer rate" means a charge for the capital cost of sewage works. 1957, c. 76, s. 22, *part*; 1958, c. 64, s. 30; 1959, c. 62, s. 19.

(2) Subject to the approval of the Municipal Board first *Sewer rate* being obtained, the council of a local municipality, in authorizing the construction of sewage works, may by by-law provide

for imposing upon owners or occupants of land who derive or will or may derive a benefit from the sewage works a sewer rate sufficient to pay for the whole or such portion or percentage of the capital cost of the sewage works as the by-law may specify and, with the like approval, such by-law may from time to time be amended or repealed.

Special
assessment
under
R.S.O. 1960,
c. 223

(3) Where a sewer rate is imposed under subsection 2, no part of the capital cost of the sewage works shall be specially assessed under *The Local Improvement Act*.

Land in
respect of
which sewer
rate
imposed

(4) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

Idem

(5) The land designated under subsection 4 may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.

Sewer rate
for
deferred
benefit

(6) Where a sewer rate is imposed for a deferred benefit, it shall be changed to a sewer rate imposed for immediate benefit as soon as the immediate benefit is derived or derivable.

Computation
of rate

(7) A sewer rate shall be computed by any or all or any combination of the following methods:

- (a) A foot frontage rate on the lands that receive an immediate benefit from the work.
- (b) A foot frontage rate on the lands that receive a deferred benefit from the work.
- (c) An acreage rate or rates on any or all of the lands designated under subsection 4, which rates may differ as between lands that will receive an immediate benefit and lands that receive a deferred benefit.
- (d) A rate on that portion of the lands designated under subsection 4 that are connected to the sewage works based on the water rates or charges charged or chargeable in respect of such lands.
- (e) A mill rate on the assessed value of the lands designated under subsection 4.

Revenue
from sewer
rates

(8) The revenue derived in any year from a sewer rate imposed under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the sewage works for the capital cost of which the sewer rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such de-

ventures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the sewer rate.

(9) Where in a local municipality there is land that has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing sewer works except in the same manner and to the same extent as all other owners or occupants of land within the municipality have been or are assessable or taxed and a sewer forming part of such existing sewer works is to be constructed by means of which an immediate benefit from the existing sewer works accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing sewer works as the by-law may specify.

(10) A sewer rate may be imposed under subsection 9 notwithstanding that the capital cost of the existing sewer works has in whole or in part been paid.

(11) The revenue from the sewer rate imposed under subsection 9 if not required for payment of any part of the outstanding capital cost of the existing sewer works shall be applied and used only for future capital improvements of the existing sewer works.

(12) A sewer rate imposed under subsection 9 shall be separate from and in addition to the sewer rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the sewer to be constructed to form part of the existing sewer works.

(13) The council of a local municipality for the purposes of subsections 2 and 9 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure upon which sewer rates imposed under subsection 2 or 9 shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that sewer rates are imposed upon a basis that is equitable and just, and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

(14) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use sewer works a sewer service rate.

Idem

(15) A sewage service rate may be imposed under subsection 14 notwithstanding that,

- (a) a sewer rate has also been imposed with respect to the capital cost of the same work; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

R.S.O. 1960,
c. 223Sewage
service rate
structure

(16) The council of a local municipality for the purposes of subsection 14 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just.

Collection of
rates

(17) The council of a local municipality may by by-law establish systems for,

- (a) fixing times, periods and frequencies at and for which sewer rates imposed under subsection 2 or 9 and sewage service rates imposed under subsection 14 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for nonpayment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing.

Idem

(18) The council of a local municipality may by by-law require any public utilities commission or local board that supplies water to the inhabitants of the municipality to collect such portion of any sewer rate or sewage service rate as is computed by the method referred to in clause *d* of subsection 7.

Rates to
be charge
on land

(19) A sewer rate imposed under subsection 2 or 9 and a sewage service rate imposed under subsection 14 upon any owner or occupant of land is a lien and charge upon the land and, if the rate or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the

clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable. 1957, c. 76, s. 22, *part*.

381. By-laws may be passed by the councils of urban municipalities:

1. For inspecting public bathing houses and boat houses or premises wholly or partly used for boat-house purposes.

Inspection
of bathing
and boat
houses

2. For requiring the owner or occupant of any building to make such changes in its structure and to strengthen its walls, supports and floors as may be required by the architect or other officer named in the by-law when, in the opinion of the architect or such officer, the building is being used for any purpose for which it is structurally unsuited or which renders it dangerous, and requiring a permit from the architect or such other officer for such use after such changes have been made as he may direct, and prohibiting the use of any building that in the opinion of the architect or other officer is dangerous, without his sanction and approval.

Requiring
changes
in structure
of buildings

3. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire; but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

Stands for
vehicles

4. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality, or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

Acquiring
land in an-
other munic-
ipality for
drainage
purposes

5. For acquiring land in the municipality for a drill-shed or armoury for any militia or volunteer corps having its headquarters in the municipality. R.S.O. 1950, c. 243, s. 391, pars. 1-5.

Site for
drill-shed
or armoury

6. Subject to *The Elevators and Lifts Act* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators,

Erection of
elevators
R.S.O. 1960,
o. 119

and for regulating the manner in which elevators and hoists, that are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees. R.S.O. 1950, c. 243, s. 391, par. 6; 1955, c. 48, s. 41.

Rewards to
fire fighters
and persons
disting-
guishing
themselves
at fires

7. For providing medals or rewards for persons who distinguish themselves at fires, and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as fire fighters.

Milk and
bread
tickets

8. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread or other articles of food. R.S.O. 1950, c. 243, s. 391, pars. 7, 8.

Unlocked
motor
vehicles

9. For prohibiting any person driving or in charge of a motor vehicle, other than a commercial motor vehicle, from allowing such motor vehicle to stand unattended unless it is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.

R.S.O. 1960,
c. 172

(a) In this paragraph, "motor vehicle" and "commercial motor vehicle" mean "motor vehicle" and "commercial motor vehicle" as defined in *The Highway Traffic Act*.

(b) Any person who contravenes the provisions of such a by-law is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$10. R.S.O. 1950, c. 243, ss. 391, par. 9, 493.

Numbering
houses, etc.

10. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building or lot, provided that such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Record of
streets,
numbers,
etc.

11. For keeping, and every such council shall keep, a record of the highways and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

12. For empowering officers of the municipality, upon the complaint of the owner or occupant of any premises, to enter upon such premises and the land and buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons that are causing annoyance to the owner or occupant or damages to such premises.

13. For requiring vacant lots to be properly enclosed.

14. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or part of a highway to be defined by the by-law and to guard and protect property, and for levying and collecting in the same manner and at the same time as taxes are levied and collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night watchmen.

(a) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land.

(b) A petition shall not be acted on unless the signatures to it, and that the contents of it were made known to each person before signature, are proved by affidavit.

(c) As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant is liable for the expenses for the period of his occupation.

(d) When land is occupied by a tenant, the owner is not entitled to petition.

15. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of them contrary to such regulations.

16. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used. R.S.O. 1950, c. 243, s. 391, pars. 10-16.

Market
by-laws

382. Subject to section 383, by-laws may be passed by the councils of urban municipalities and of townships having a population of not less than 10,000 and of townships bordering on a city having a population of not less than 100,000:

R.S.O. 1950, c. 243, s. 392, *part*; 1954, c. 56, s. 22.

Establishing
markets

1. For establishing, maintaining and regulating markets.

Regulating
vending in
streets, etc.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

Sale of
grain, meat,
farm pro-
duce, small-
wares, etc.

3. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw and other fodder, wood, lumber, shingles, farm produce, smallwares and all other articles exposed for sale, and prescribing the fees to be paid therefor.

Criers and
vendors of
smallwares

4. For prohibiting criers and vendors of smallwares from practising their calling in the market place, or on the highways, or on vacant lots adjacent to the market place or to a highway.

Prohibiting
forestalling,
etc.

5. For prohibiting the forestalling, regrating or monopoly, of grain, wood, meat, fish, fruit, roots, vegetables, poultry, dairy products, eggs and all articles for family use, that are usually sold in the market, and for prohibiting or regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly or indirectly purchase or acquire them for resale, provided that farmers and other producers may nevertheless sell such things at stores and shops at any time. R.S.O. 1950, c. 243, s. 392, *pars.* 1-5.

Hucksters,
etc.

Measuring,
etc., certain
articles

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal, coke, oil or other fuel.

Weighing of
fuel for
delivery
beyond
municipal
limits

(a) A by-law passed by a municipality under this paragraph may be made applicable to the measuring or weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

Ticket
showing
weight
required

(b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after it is weighed or measured in accordance with the by-law, and the by-law may require that the amount so specified and the ticket shall be delivered to the purchaser. R.S.O. 1950, c. 243, s. 392, *par.* 6; 1951, c. 53, s. 18.

Regulating
vehicles used
in market
vending

7. For regulating vehicles, vessels and other things in which anything is exposed for sale or marketed and for imposing a

reasonable duty thereon, and establishing the mode in which it shall be paid.

8. For selling, after six hours notice, butchers' meat dis- Sale of meat
distrained
trained for rent of a market stall.

9. For purchasing, leasing, erecting, maintaining and oper- Purchasing
weighing
machines,
etc.
ating weighing machines and weigh-houses, for appointing weigh-masters and for prescribing their duties.

10. For imposing, levying and collecting fees for the use of Fees
such weighing machines. R.S.O. 1950, c. 243, s. 392, pars. 7-10.

11. With the approval of the Municipal Board and within Weighing
of coal
and coke
the limitations and restrictions and under the conditions pre-
scribed by order of the Board, for requiring all persons who,
after a sale thereof, deliver coal or coke within the municip-
ality, by a vehicle, from any coal yard, store-house, coal-
chute, gas house or other place, to have the weight of such
vehicle and of such coal or coke ascertained prior to delivery,
by a weighing machine established as provided by paragraph 9,
to furnish the weigh-master in charge of such weighing ma-
chine with, and to surrender to each purchaser, at the time of
delivery, a weigh-ticket upon which has been printed or written
a description and grade of the coal or coke, the name and
address of the vendor, and the name of the purchaser, and to
have such weigh-ticket dated and signed by such weigh-master
and to have him enter thereon the weight of such coal or coke.

(a) Every vendor of coal or coke with respect to which a Vendor
bound
weigh-ticket has been issued is bound thereby and
is not entitled to demand, collect or recover from
the purchaser the price of any greater quantity of
coal or coke than that shown on such weigh-ticket.

(b) Every such vendor who demands, collects or receives Offence
from a purchaser the price of any greater quantity of
coal or coke than that shown on such weigh-ticket
is guilty of an offence and on summary conviction
is liable to a fine of not more than \$20. R.S.O. 1950,
c. 243, ss. 392, par. 11, 493.

(c) Nothing in this paragraph authorizes a municipality Car lots
to require the weighing of coal or coke sold in car lots
at shippers' weights.

12. For requiring all persons offering or exposing cordwood Measure-
ment of
wood sold
on market
or firewood for sale upon the market, loaded in or upon any
vehicle,

- i. to have such wood measured by a market inspector or
by some other official of the municipality appointed
for that purpose, who shall mark the measurement
in a conspicuous place upon the load or vehicle, be-
fore the wood is offered for sale;

- ii. to procure from such inspector or official a measurement ticket signed and dated by him, upon which he has entered the quantity of cordwood or firewood loaded in or upon the vehicle, and the name and address of the vendor;
- iii. to surrender the measurement ticket to the purchaser at or before the time of delivery;
- iv. to pay such fee for measuring as may be imposed.

Measure-
ment of
wood sold
off market

13. For requiring all persons who, after a sale thereof except upon the market, deliver cordwood or firewood within the municipality by a vehicle to surrender to the purchaser thereof when making delivery a ticket signed by or on behalf of such person, upon which shall be legibly written or printed his name and address, the quantity of wood delivered from such vehicle, expressed in terms of a cord of 128 cubic feet, and the price at which the same has been sold.

Kindling,
etc.

(a) No by-law shall require kindling wood, mill waste or mill-cuttings to be measured.

Storage of
coke

14. For requiring retail vendors of coke selling by weight to store their stock of coke so that it will not be exposed to rain, snow or water, and for prohibiting the sale of coke that is not so stored. R.S.O. 1950, c. 243, s. 392, pars. 12-14.

No market
fees to be
imposed
on certain
products

383.—(1) No market fee shall be imposed, levied or collected in respect of wheat, barley, rye, corn, oats, or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw, or other fodder, brought to market, or upon the market place, for sale or other disposal.

When fees
may be
charged on
butter, etc.,
brought to
market

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer and shelter and reasonable protection from the cold in winter, in which to expose them for sale, is provided by the corporation.

Fees not to
be charged
on articles
delivered in
pursuance
of prior
contract

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied or collected in respect of it.

Articles
brought into
municipality
after 10 a.m.

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after 10 o'clock in the forenoon, unless it is offered or exposed for sale upon the market place.

(5) No by-law shall require hay, straw or other fodder to be weighed, where neither the vendor nor the purchaser desires to have it weighed or measured.

When articles need not be weighed or measured

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, after 9 o'clock in the forenoon between the 1st day of April and the 1st day of November, and after 10 o'clock in the forenoon between the 1st day of November and the 1st day of April, sell such article elsewhere than in the market place.

Time after which attendance on market not required

(7) Subsection 1 does not apply to a municipality in which there is in force a by-law providing that vendors of articles, in respect of which under the provisions of paragraph 3 of section 382 a market fee may be imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of such articles at any place within the municipality, excepting only at the market place.

Subs. 1 not to apply where by-law in force allowing sale without fee except at the market

(8) Subject to subsection 2, the council of a municipality to which subsection 7 applies may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway that is within 100 yards of the market place, for the purpose of selling any of such articles other than grain, seeds, dressed hogs or wool upon such highway, but driving through or across such part of a highway does not authorize the imposition of any market fee, nor shall any market fees be imposed in respect of an article sold to a person carrying on business and having a *bona fide* store, shop or other similar place of business on such part of a highway.

but such by-law may impose fees on persons voluntarily using market; and on others selling within 100 yards of market

Exception as to sales to persons carrying on business near market

(9) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought to that part of the highway that is so used, but this subsection does not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

Fees not to be charged where highway used as market

(10) Subsections 7 to 9 do not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 6 and 11 and 12 apply to such municipality in the event of market fees being thereafter charged or imposed therein.

Case of municipality again imposing market fees

(11) Nothing in subsections 1 to 10 prevents any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within

Power to regulate sales when no fees are charged

the municipality to the same extent as it might have done before the 10th day of March, 1882.

- (a) In this subsection, "market fees" does not include fees for weighing or measuring.
- (b) After 9 o'clock in the forenoon between the 1st day of April and the 1st day of November, and after 10 o'clock in the forenoon between the 1st day of November and the 1st day of April, no person shall be compelled to remain on or resort to any market place with any articles that he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on such market place.

Inconsistent
enactments
not to apply

(12) When subsections 1 to 6 or subsections 7 to 9 are in force in any municipality, so much of any Act or law as may be contrary to, and as conflicts with such subsections, is not in force in and does not apply to such municipality.

Right to
sell or lease
market fees

(13) A corporation may sell or lease its market fees with the right to collect them. R.S.O. 1950, c. 243, s. 393.

384. By-laws may be passed by the councils of counties, cities and towns:

Grants to
universities,
colleges,
historical
societies, etc.

1. For making grants in aid of the University of Toronto or of Upper Canada College, or of any other university or college in Ontario, or of any historical, literary or scientific society.

- (a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the City of Toronto without charge.

Endowing
fellowships,
etc., in
universities
and colleges

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality.

Aid to art
schools

3. For granting aid to art schools approved by the Department of Education.

Aid to
private
training
schools
R.S.O. 1960,
c. 404

4. For granting aid to a society as defined in *The Training Schools Act* for the erection, establishment or equipment of a private training school, where the council is represented on the board of the society.

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college.

Supporting certain pupils at universities, colleges, etc.

6. For making similar provision for the attendance at any collegiate institute, high school or continuation school, for the like purpose, of pupils of public schools of the municipality. R.S.O. 1950, c. 243, s. 394.

Similar provision for attendance at high schools

385. By-laws may be passed by the councils of towns, villages and townships:

1. For making grants in aid of, or to build, preserve, enlarge or improve, any collegiate institute or high school in another municipality. R.S.O. 1950, c. 243, s. 395.

Grants to high schools

386. By-laws may be passed by the councils of cities and towns:

1. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries.

Licensing, etc., of laundries

(a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and employing female labour only, or to such dwelling houses.

(b) The by-law may provide that a licence shall not be granted if it is deemed that the location of the laundry is an undesirable one.

2. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life-saving purposes.

Aid to lifeboat associations

3. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through the medical health department or police department of the city or town.

Licensing and regulating massagists, etc.

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal

Police signal system

annual instalments of principal and interest during a period not exceeding ten years.

- (a) It is not necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council. R.S.O. 1950, c. 243, s. 396, pars. 1-4.

Commission
may manage
sewage
works
R.S.O. 1960,
c. 335

5. For placing the management of sewage works under a commission established under *The Public Utilities Act*, provided the by-law shall not be passed without the assent of the municipal electors. 1957, c. 76, s. 24.

Super-
annuation
and benefit
funds for
fire and
police force

6. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families.

- (a) This paragraph does not apply to superannuation and benefit funds established after the 1st day of May, 1939. R.S.O. 1950, c. 243, s. 396, par. 6.

387. By-laws may be passed by the councils of cities:

R.S.O. 1950, c. 243, s. 397, *part*.

Public bath
premises

1. For licensing, regulating and governing owners or keepers of any class or classes of public bath premises operated for profit, and for revoking any such licence. R.S.O. 1950, c. 243, s. 397, par. 2.

388. By-laws may be passed by the councils of cities having a population of not less than 300,000:

Power to
make pay-
ments on
behalf of
indigents for
dwelling
repairs

1. For providing and paying on behalf of any indigent inhabitant the cost, not exceeding \$200, of repairs necessary to make a dwelling habitable. R.S.O. 1950, c. 243, s. 398.

389. By-laws may be passed by the councils of cities having a population of not less than 50,000:

R.S.O. 1950, c. 243, s. 400, *part*.

Membership
in National
Waterways
Association

1. For the corporation becoming a member of the National Waterways Association of Canada and paying the fees for such membership and for making contributions towards the expenses of such Association and paying the expenses of delegates to any meeting of it or upon its business.

Setting apart
streets for
fast driving

2. For setting apart one or more highways or parts of highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway.

- (a) If a majority of the property owners on any such street petition against such by-law, it shall be repealed.

3. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs that have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them. R.S.O. 1950, c. 243, s. 400, pars. 2-4. Seizure of cattle, etc., unfit for food

390. By-laws may be passed by the councils of cities and of local municipalities, other than cities, situate within ten miles of a city having a population of not less than 100,000:

1. For licensing, regulating and governing bailiffs and bailiffs' assistants and for providing that any applicant for a bailiff's licence shall deposit with the issuer of licences, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality and for revoking the licence, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose. Licensing, etc., bailiffs and bailiffs' assistants

- (a) In this paragraph, "bailiff" includes any person acting, or holding himself out as being prepared to act, for or on behalf of any person in the seizure and sale or seizure only of chattels, or in any eviction or the collection of rent or taxes by distress or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security, and "bailiff's assistant" includes any person acting for or on behalf of a bailiff in the course of any eviction, distress or repossession of goods or chattels as aforesaid, but neither "bailiff" nor "bailiff's assistant" includes a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record. Interpretation

- (b) The licence fee shall not exceed \$100 in the case of a city, and \$25 in the case of a local municipality other than a city. Licence fees

2. For licensing, regulating and governing the keepers of shops or places where animals or birds for use as pets are sold or kept for sale. R.S.O. 1950, c. 243, s. 401. Licensing, regulating and governing pet shops

391. By-laws may be passed by the councils of counties:

1. For granting aid to any society, organization or body in the county having for its objects the promotion or protection of agriculture, education or social welfare, where no specific Aid to agricultural and other bodies

authority for granting such aid is contained in any statute; provided the amount of aid that may be granted under the authority of this paragraph shall not exceed in the aggregate \$5,000 in any year. R.S.O. 1950, c. 243, s. 402, par. 1.

Aid for
animal losses
due to rabies

2. For granting aid to owners of cattle, horses, goats, sheep or swine for losses caused by rabies, not in excess of the following rates for each animal:

cattle.....	\$250
horses.....	100
goats.....	40
sheep.....	40
swine.....	40

1960, c. 69, s. 19

Protecting
booms

3. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves.

Establish-
ment of
county farms

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It is not necessary to obtain the assent of the electors to any by-law passed under this paragraph if it is passed by a vote of two-thirds of all the members of the council.

(b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Department of Agriculture for such periods and upon such terms and conditions as from time to time may be agreed.

Fences

5. For the exercise in respect of fences along highways under the jurisdiction of the council of the powers conferred upon the councils of local municipalities by paragraph 19 of subsection 1 of section 379.

Regulating
erection of
poles, towers,
wires, etc.,
on county
roads
R.S.O. 1960,
c. 255

6. Subject to *The Municipal Franchises Act*, for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, and the laying of pipes or conduits for the conveyance of water, gas or sewage under, the highways under the jurisdiction of the council.

7. For expending and for diffusing information respecting the advantages of the county as an agricultural centre a sum for publicity not exceeding in any year \$3,000. Annual expenditure

8. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares or merchandise shall be used by any person residing within the municipality on any of the highways within the municipality unless the runners thereof, measuring from centre to centre, are apart at the bottom at least four feet. Sleigh runners

(a) The by-law may exempt from its operation all sleighs or vehicles on runners owned at the time of its passing by persons resident within the municipality, and shall not come into force until the expiration of one year from the date upon which it was passed.

9. For compelling the destruction or regulating the disposal of the refuse obtained in the process of cleaning grass or clover seed. Refuse from grass or clover seed

10. For purchasing supplies of any or all kinds of vegetables, seeds and seed roots and tubers and donating them to residents of the county on such terms and conditions as may be fixed by the by-law for the purpose of promoting and aiding the production of crops. Purchase and donation of seeds

11. If there are gravel or macadamized highways under the jurisdiction of the council and under its immediate control, that are being kept up and repaired by municipal taxation, and upon which no toll is collected, Regulation of traffic on certain county roads

(a) for licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire, and teamsters; Licensing livery stables

(b) for regulating the fares to be charged for the conveyance of goods or passengers; Rates of fare

(c) subject to *The Highway Traffic Act*, for regulating the traffic on such highways. R.S.O. 1950, c. 243, s. 402, pars. 2-10. Regulating traffic R.S.O. 1960, c. 172

12. For installing services in land owned by the county in any municipality situated in the county, subject to the approval of the local municipality in which the land is situated, to assist in the disposal of the land for building purposes. Installation of services on county land
1952, c. 63, s. 18.

392. By-laws may be passed by the councils of townships in unorganized territory:

1. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares or Sleigh runners

merchandise shall be used by any person on any of the highways within the municipality unless the runners thereof, measuring from centre to centre, are apart at the bottom at least four feet. R.S.O. 1950, c. 243, s. 403.

Power of certain townships in unorganized territory to pass by-laws for certain purposes

393. The council of a township in unorganized territory having a population of not less than 5,000 and which has been declared by order of the Municipal Board to be a township part of which is so built up and populated as to entitle it to be incorporated as a town under this Act may pass by-laws for the purposes mentioned in,

- (a) paragraph 3 of section 381;
- (b) sections 382 and 383;
- (c) paragraph 1 of section 396;
- (d) paragraph 24 of section 377;
- (e) paragraphs 1 and 2 of section 400. R.S.O. 1950, c. 243, s. 404; 1955, c. 48, s. 42.

394. By-laws may be passed by the councils of townships:

R.S.O. 1950, c. 243, s. 405, *part.*

Fire areas in townships

1. For exercising the powers conferred by paragraph 24 of subsection 1 of section 379 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost, provided that, where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes mentioned in this paragraph upon that part of the rateable property in the area that consists of the assessments for buildings only as shown on such assessment roll. R.S.O. 1950, c. 243, s. 405, par. 1; 1957, c. 76, s. 27 (1).

Appointing, insuring and paying of fire fighters

2. For appointing, insuring and paying fire fighters and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of the fire hall, fire engines, apparatus and appliances; provided that, where two-thirds of the owners of lands in the area, according to the last revised assessment roll, petition therefor, the council may by by-law levy the special annual rate for the purposes mentioned in this paragraph upon that part of the rateable property in the area that consists of the assessments for buildings only as shown on such assessment roll.

3. For entering into agreement with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or, failing agreement, as may be determined by the Municipal Board for the use of the fire-fighting equipment of such municipality or person, or any of it, in the event of fire in any defined area of the township, and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to the agreement, provided that, notwithstanding the provisions of any such agreement, no liability accrues to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Area fire-protection agreements

4. For entering into agreement with any other municipality or municipalities for establishing, providing and maintaining, jointly, a fire brigade, fire halls, fire engines, apparatus and equipment and for the maintenance and use thereof upon such basis as to the distribution of cost as the agreement may stipulate.

Establishment of joint fire brigade by municipalities

- (a) Each municipality shall issue its own debentures for its share of the capital cost of providing such fire services, and the provisions of paragraphs 1 to 3 are applicable. R.S.O. 1950, c. 243, s. 405, pars. 2-4.

5. For making grants,

- (a) to the Ontario Federation of Agriculture if a by-law under section 296 is not in force in the township; and

Grants to Ontario Federation of Agriculture and farm organizations

- (b) to farm organizations or agricultural commodity groups. 1957, c. 76, s. 27 (2).

6. For authorizing the annual dues of members of any farm organization approved by the Minister of Agriculture to be entered in the collector's roll and collected in the same manner as taxes.

Addition to collector's roll of dues of members of farm organizations

- (a) A by-law under this paragraph applies only where the annual dues for all members of the farm organization are uniform.

- (b) A by-law under this paragraph remains in force until amended or repealed and it is not necessary to pass such by-law annually.

- (c) Upon receipt by the clerk of the township, before the certification of the collector's roll, of written notice from a member of such a farm organization instructing that the annual dues of such member be collected in the same manner as taxes for which he is liable, the dues of such member shall be entered in the collector's roll in a special column designated by the name of the farm organization.

- (d) A member who has given a notice under clause c may by similar notice require the clerk of the township to discontinue the collection of dues.
- (e) Such dues do not form a charge upon land and are not subject to a penalty for non-payment.
- (f) The treasurer of the township shall deposit the dues collected in a special account or accounts and shall from time to time pay such dues to the treasurer of the proper farm organization. 1959, c. 62, s. 21.

Authority to
call out help

7. For authorizing the reeve or deputy reeve or, in case of the absence of the reeve and deputy reeve, any member of the council, in the event of an emergency arising in the township by reason of timber or forest fires, to call out such number of resident male inhabitants of the township as may be necessary to fight and put out any such fires, and for fixing the amount of the remuneration to be paid to such residents for the services rendered by them.

Numbering
buildings
and lots in
parts of
township

8. For numbering the buildings and lots along any highway, street, beach, park, reserve or any other property in the township that it is considered necessary to number by the township council, and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building, lot or property.

- (a) Such expense may be collected in the same manner as taxes, and, if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Records of
streets and
numbers, etc.

9. For keeping, and every such council shall keep, a record of the highways, streets, beaches, parks, reserves and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

Restrictions
on operation
of portable
steam
engines

10. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a sawmill or a shingle mill.

Keeping
highways
open in
winter

11. For providing for keeping open the highways during the season of sleighing in each year, and for the application of so much of the commutation of the statute labour fund as may be necessary for that purpose.

Requiring
overseers of
highways to
keep open
highways

12. For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighing.

Powers of
overseers

- (a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in

keeping open such highways, and shall give to any person so employed a certificate of his having performed statute labour and of the number of days work done, for which he shall be allowed on his next season's statute labour.

13. For prohibiting the obstruction of streams, creeks and watercourses by trees, brushwood, timber or other materials, and for requiring the clearing away and removing of the obstructions by the person causing the same. Prohibiting obstruction of streams, etc.

14. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise. Regulating vending in streets

15. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof. Erecting and maintaining weighing machines

16. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant Governor in Council, and for draining such land. Purchase of wet land from Government
R.S.O. 1950, c. 243, s. 405, pars. 5-14.

395. By-laws may be passed by the councils of towns, villages and townships and by boards of commissioners of police of cities:

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof; and for revoking any such licence. Teamsters, cab owners, cab drivers, vehicles for hire, etc.
R.S.O. 1950, c. 243, s. 406, par. 1; 1954, c. 56, s. 25 (1).

2. For licensing, regulating and governing keepers of livery stables and of horses used for hire. Livery stables

3. For licensing, regulating and governing persons keeping boats for hire, and for regulating and inspecting boats kept by such person, and for revoking any such licence. Boat livery keepers
R.S.O. 1950, c. 243, s. 406, pars. 2, 3.

4. For requiring any or all persons mentioned in paragraphs 1, 2 and 3 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, where such insurance is not so Insurance for teamsters, cab owners, etc.

provided, the council or board may refuse, refuse to renew or revoke any licence issued under paragraph 1, 2 or 3. 1953, c. 70, s. 15, *part*.

Sale of
newspapers
and maga-
zines on
streets

5. For licensing, regulating and governing persons selling newspapers and magazines upon any highway and for restricting the operations of such persons to a particular location upon a highway, and for restricting the operations of such persons to the sale of newspapers and magazines only, and for prohibiting the selling or offering for sale upon any highway of books, periodicals, pamphlets or other printed matter, except newspapers and magazines, and for prohibiting the taking or soliciting of subscriptions to magazines upon any highway or in any public place, and for revoking any such licence. 1952, c. 63, s. 19.

Taxi-cab
brokers

6. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, where such insurance is not so provided, the council or board may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer. 1953, c. 70, s. 15, *part*; 1954, c. 56, s. 25 (2).

396. By-laws may be passed by the councils of counties, towns, villages and townships and by boards of commissioners of police of cities:

R.S.O. 1950, c. 243, s. 407, *part*; 1954, c. 56, s. 26.

Licensing
and regula-
ting salvage
shops, etc.

1. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

- (i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,
- (ii) "salvage yard" includes an automobile wrecking yard or premises,
- (iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.
- (c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) A by-law of a county passed under this paragraph shall not have force in any municipality in the county after such municipality hereby authorized so to do has passed a by-law for a similar purpose.
- (f) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence. R.S.O. 1950; c. 243, s. 407, par. 1.

397. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory:

1. For authorizing, on petition of at least fifty electors, the holding, at one or more of the most public and convenient places in the municipality, of public fairs restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement. Public fairs for sale of cattle, etc.

- (a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council.

2. For appointing one or more surgeons for the institutions, other than the jail, under the control of the corporation. Appointment of surgeons
R.S.O. 1950, c. 243, s. 408.

398. By-laws may be passed by the councils of counties, cities, separated towns and towns in unorganized territory:

1. For defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops, or industries of a noxious or unhealthy character, may not be carried on. Defining areas in which certain trades may not be carried on

- (a) This paragraph does not apply to a tannery erected before the 7th day of April, 1890. R.S.O. 1950, c. 243, s. 409.

399.—(1) By-laws may be passed by the councils of counties, townships, towns and villages and of cities having a population of less than 100,000, and by boards of commissioners of police of cities having a population of not less than 100,000:

Licensing,
etc.,
salesmen

1. For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

When
licence not
required

- (a) No such licence is required for hawking, peddling or selling goods, wares or merchandise,
- (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
 - (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
 - (v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or
 - (vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

Production
of authority
of servant

- (b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer.

- (c) In a prosecution for a breach of the by-law, the onus of proving that he does not for any of the reasons mentioned in clause *a* require to be licensed is upon the person charged. Onus of proof that no licence required
- (d) Nothing in this paragraph affects the powers to pass by-laws under sections 382 and 383, paragraph 1 of section 400, and paragraphs 16, 17 and 18 of section 401. Certain powers not affected
- (e) Where the council of a town, village or township not separated from a county has passed a by-law under this paragraph, the by-law of the county is not in force in the town, village or township while the by-law of such town, village or township remains in force. Force of by-law of town, etc., not separated
- (f) The fee to be paid for the licence under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the licence is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but no licence fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department. Fees
- (g) The licensee shall at all times while carrying on his business have his licence with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so is guilty of an offence, unless the same is accounted for satisfactorily, and on summary conviction is liable to a fine of not less than \$1 and not more than \$5. Licence to be produced on demand
- (h) If a peace officer demands the production of a licence by any persons to whom the by-law applies and the demand is not complied with, it is the duty of the peace officer and he has power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law. R.S.O. 1950, c. 243, ss. 410 (1), par. 1, 493; 1960, c. 69, s. 20 (1). Penalty

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county, with licences under by-laws passed under paragraphs 1 and 7 to be issued under such regulations as may be prescribed to persons applying for them. Supplying licences

3. For prohibiting the sale of fruit, candy, peanuts, ice cream or ice cream cones from a basket or wagon, cart or Prohibiting sale of fruit, etc., on public streets, etc.

other vehicle upon any highway or part of it, or in any public park or other public place.

- (a) The by-law does not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

Licensing
dealers in
fruit

4. For licensing, regulating and governing persons not being wholesale dealers residing in Ontario who go from place to place or to a particular place to make sales or deliveries of fruits and garden produce to a retail dealer and for licensing, regulating and governing bakers, butchers and grocers whose place of business is out of Ontario but who go from place to place or to a particular place in Ontario to make sales or deliveries of bread, meat and groceries to any person other than to a retail dealer.

- (a) The fee to be paid for the licence shall not exceed \$250.

- (b) The provisions of clauses *e*, *g* and *h* of paragraph 1 apply to a by-law passed under this paragraph.
R.S.O. 1950, c. 243, s. 410 (1), pars. 2-4.

Limiting
number of
and licensing
victualling
houses, etc.

5. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public, and for revoking the licence.

- (a) The sum to be paid for the licence shall not exceed \$20.

Licensing
food shops

6. For licensing, regulating and controlling all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold.

- (a) The licence fee shall not exceed the sum of \$1 for one year. R.S.O. 1950, c. 243, s. 410 (1), pars. 6, 7.

Auctioneers

7. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a licence to an applicant who is not of good character or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the licence shall be in force; and for revoking any such licence.

- (a) No such by-law applies to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent. R.S.O. 1950, c. 243, s. 410 (1), par. 8; 1958, c. 64, s. 32.
- (b) A by-law of a county passed under this paragraph does not have force in a town, village or township that has passed a by-law for a similar purpose. 1951, c. 53, s. 21.

8. For licensing, regulating and governing bill posters, Bill posters advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills that are indecent or tend to corrupt morals.

- (a) A by-law of a county passed under this paragraph does not have force in a town, village or township that has passed a by-law for a similar purpose.
- (b) A by-law passed under this paragraph may provide that no such licence shall be required by a person who works only as an employee of a person licensed. R.S.O. 1950, c. 243, s. 410 (1), par. 9.

(2) A by-law passed by a council of a county under paragraphs 1 to 4 of subsection 1, whether the same is mentioned or not, covers and includes the boundary line or highway between such county and an adjoining county, and a sale made on such boundary line or highway to a resident of a county in which such by-law is in force is a breach of such by-law in the same manner and with like consequence and effect as if made wholly within the county. R.S.O. 1950, c. 243, s. 410 (2). By-law to cover sales on county boundary lines

400. By-laws may be passed by the councils of towns, villages and townships and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

R.S.O. 1950, c. 243, s. 412, *part*; 1954, c. 56, s. 28.

1. For regulating the storage, handling and sale of fresh meats and of fresh fish and prescribing the equipment and appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licences for the sale of fresh meat in quantities less than by the quarter carcass and of fresh fish and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass and of fresh fish, unless by a licensed person and in a place authorized by the council. Regulating sale of meat

- (a) The power conferred by this paragraph is not affected or restricted by anything in section 383.

(b) Nothing in this paragraph affects the powers conferred by paragraphs 3 and 4 of section 382.

(c) The fee to be paid for the licence shall not exceed \$50 in a city and \$25 in a town, township or village.

Licensing
and regulat-
ing keepers
of tobacco
stores

2. For licensing, regulating and governing keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail, and for revoking any such licence.

Licensing,
etc., street
photog-
raphers

3. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place, and for revoking any such licence. R.S.O. 1950, c. 243, s. 412, pars. 1-3.

Licensing
non-resident
transient
photog-
raphers

4. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards. 1960, c. 69, s. 21.

401. By-laws may be passed by the councils of towns, townships and villages and of cities having a population of less than 100,000 and by boards of commissioners of police of cities having a population of not less than 100,000:

R.S.O. 1950, c. 243, s. 413, *part*; 1956, c. 50, s. 17 (1).

Billiard,
pool and
bagatelle
tables

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs, that directly or indirectly keep, or have in their possession, or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licences to be granted and the number of such tables that shall be licensed, and for revoking any such licence.

(a) "Proprietary club" means all clubs other than those in which the use of any such table is only incidental to the main objects of the club. R.S.O. 1950, c. 243, s. 413, par. 1.

Barber
shops, etc.

2. For licensing, regulating and governing the owners of barber shops and hairdressing establishments, and for revoking any such licence. 1951, c. 53, s. 22 (2), *part*.

Drain con-
tractors, etc.

3. For licensing, regulating and governing drain contractors, drain layers and persons who install septic tanks or repair or reconstruct drains, remove tree roots or other obstructions from drains and private drain connections by mechanical or other means, and for revoking any such licence. 1957, c. 76, s. 28.

4. For licensing, regulating and governing persons who carry on the business of teaching persons to operate motor vehicles and driving instructors employed in such business, and for regulating and governing the equipment used in such business, and for revoking any such licence.

Driving
schools and
instructors

- (a) The licence fee shall not exceed \$50. 1951, c. 53, s. 22 (2), *part*; 1952, c. 63, s. 20 (1).

5. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians or for permitting them by reason of registration with the Electrical Contractors Association of Ontario or other qualification to carry on their trade without examination or licence, or both.

Electrical
workers

- (a) In this paragraph, "master electrician" means a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his employ, performs electrical work; and "journeyman electrician" means a person, other than a master electrician, who has been employed in electrical installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic.

- (b) The by-law does not apply to the employees of a public service commission or corporation. R.S.O. 1950, c. 243, s. 413, par. 3; 1955, c. 48, s. 43 (1).

6. For regulating and licensing, subject to the provisions of *The Theatres Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law, and for revoking any such licence. R.S.O. 1950, c. 243, s. 413, par. 4; 1954, c. 56, s. 29.

Exhibitions,
bowling
alleys, etc.
R.S.O. 1960,
c. 396

7. For prohibiting or regulating and licensing exhibitions of wax works, menageries, circus-riding, and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousels and other like contrivances, and for imposing penalties not exceeding the amount of the licence fee on offenders against the by-law, and for levying the same by distress and sale of the goods and

Exhibitions
of wax
works,
shows, etc.

chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

(a) A licence shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 300 yards from the grounds of the society, or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.

(b) The fee to be paid for the licence shall not exceed \$500.

Licensing,
etc., fuel
dealers

8. For licensing, regulating and governing dealers in coal, coke, oil or other fuel, and for revoking or suspending the licence of any such dealer.

(a) The fee for such licence shall not exceed \$5 per year.

(b) A by-law passed under this paragraph shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.

Fuel
delivery
men

9. For licensing, regulating and governing persons who deliver coal or other fuel, and for revoking any such licence.

Installers of
insulation

10. For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such licence. R.S.O. 1950, c. 243, s. 413, pars. 5-8.

Refreshment
vehicles

11. For licensing, regulating and governing vehicles from which refreshments are sold for consumption by the public, and for revoking any such licence. 1951, c. 53, s. 22 (2), *part*.

Plumbers

12. For licensing, regulating and governing plumbing contractors, plumbers, master plumbers and journeyman plumbers.

(a) In this paragraph, "master plumber" means a person who is skilled in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the municipality and who himself or by journeyman plumbers in his employ performs plumbing work; and "journeyman plumber" means a person, other than a master plumber, who has been employed in plumbing installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic.

13. For licensing, regulating and governing keepers of shoe repair or shoe shine shops, and for revoking any such licence. Shoe repair shops, etc.

14. For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality. Tag days R.S.O. 1950, c. 243, s. 413, pars. 9-11.

15. For licensing, regulating and governing tourist camps, trailer camps and motels and for designating areas of land to be used as tourist camps, trailer camps or motels, and for prohibiting the use of other land for such purposes. Tourist and trailer camps R.S.O. 1950, c. 243, s. 413, par. 12, *part*; 1958, c. 64, s. 33.

(a) In this paragraph,

Interpre-
tation

- (i) "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and
- (ii) "trailer camp" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein. R.S.O. 1950, c. 243, s. 413, par. 12, cl. (a).

(b) Any by-law passed under this paragraph may, among other things,

Licensing
and regu-
lating

- (i) require trailer camps to be divided into lots having such minimum area as the by-law may prescribe,
- (ii) provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
- (iii) require a licence fee of not more than \$10 per month payable by the owner of a trailer camp

for each such lot and require fees to be paid in advance. 1956, c. 50, s. 17 (2).

Licensing and regulating transient traders

16. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner. R.S.O. 1950, c. 243, s. 413, par. 13.

Requirement as to obtaining licence before doing business

17. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a licence fee before commencing to trade.

For the purpose of paragraph 16 and this paragraph,

Interpretation

(a) "Transient trader" includes any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there.

Stock of insolvent

(b) The by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.

Bona fide purchaser

(c) The by-law does not apply to the sale of a business to a *bona fide* purchaser who continues the business.

Fees

(d) Subject to clause e, the fee to be paid for a licence in the case of a transient trader shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

Resident fee

(e) The fee to be paid for the licence by a farmer, resident in Ontario, who offers for sale only the produce of his own farm shall not exceed \$5.

Credit of fees on taxes

(f) The sum paid for a licence shall be credited to the person paying it, or to any *bona fide* purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

- (g) Every transient trader who carries on business without a licence is guilty of an offence and on summary conviction is liable to a fine equal to the licence fee that he should have paid and in addition thereto the sum of not less than \$10 and not more than \$200. Offence
- (h) Every transient trader shall cause his licence to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$10. Licence to be displayed
- (i) Every applicant for a transient trader's licence shall as part of his application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that he proposes to sell or offer for sale under such licence. R.S.O. 1950, c. 243, ss. 413, par. 14, 493; 1952, c. 63, s. 20 (2). Application for licence to contain certain information

18. For requiring persons not licensed under paragraph 16 or 17 who, after the return of the assessment roll, commence to carry on any business in premises in respect of which they are liable for business assessment to pay a licence fee before commencing such business. Certain persons commencing business to pay licence fee

- (a) The amount of such licence fee shall be a sum computed by reference to the tax on such business assessment that such person would have been required to pay for the current year in respect of the premises in which he has commenced business if he had been previously assessed and made liable for such tax, and shall be either one-half the amount of such tax for the whole year or a proportionate part of the same for the balance of the year after he commences business, whichever is the greater. R.S.O. 1950, c. 243, s. 413, par. 15.

402. By-laws may be passed by the councils of towns and villages and boards of commissioners of police of cities:

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park or public place except by a military band attached to any regular corps of the Militia of Canada when on duty, under the command of its regular officer. Bands of music
2. For licensing, regulating and governing persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewellery or other articles for the purpose of Licensing of dealers in old gold, etc.

smelting the same and recovering the gold therefrom, and for revoking any such licence.

- (a) The fee to be paid for a licence shall not exceed \$25 per year. R.S.O. 1950, c. 243, s. 414, pars. 1, 2.

Salvage
shops
buying from
minors

3. For prohibiting keepers of second-hand goods shops or salvage stores or shops directly or indirectly purchasing from, exchanging with, or receiving in pledge, from any minor appearing to be under the age of eighteen years, without written authority from a parent or guardian of such minor, any metals, goods or articles. R.S.O. 1950, c. 243, s. 414, par. 4.

403. By-laws may be passed by boards of commissioners of police of cities:

Occupations
of children

1. For regulating and controlling children engaged as express or dispatch messengers, vendors of smallwares and bootblacks.

Regulating
hours of
labour of
persons
employed
in livery
stables, etc.

2. For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriages or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire.

Regulating
traffic and
parades

3. For regulating parades or processions on highways and, from time to time and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged or liable to obstruction.

- (a) This paragraph does not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction that may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. R.S.O. 1950, c. 243, s. 415.

County
council to
make pro-
vision for
destitute
mental de-
fectives, etc.
R.S.O. 1960,
c. 236

404. The council of every county shall make provision for the whole or partial support within the county of such mentally ill, mentally defective or epileptic destitute persons as cannot be admitted to an institution within the meaning of *The Mental Hospitals Act*, and shall determine the sums to be paid for such support and the persons to whom the same shall be paid. R.S.O. 1950, c. 243, s. 416.

405.—(1) The council of a municipality may pass by-laws for paying the members of the council for attendance at meetings of council, or of its committees, at the following rates: Daily remuneration of councillors

- (a) in the case of a county, at a rate not exceeding \$20 a day;
 - (b) in the case of a local municipality having a population of 120,000 or more, at a rate not exceeding \$30 a day;
 - (c) in the case of a local municipality having a population of 20,000 or more but under 120,000, at a rate not exceeding \$25 a day;
 - (d) in the case of a local municipality having a population of 10,000 or more but under 20,000, at a rate not exceeding \$20 a day;
 - (e) in the case of a local municipality having a population of under 10,000, at a rate not exceeding \$16 a day.
- 1959, c. 62, s. 22.

(2) Where a member of a council is paid remuneration under section 203, 212 or 406, such member is not entitled to payment under this section for attendance at meetings. Where member receives salary

(3) In the case of a council of a county or a township, the by-law may provide for the payment of not more than 10 cents a mile for each mile necessarily travelled in attending such meetings. Mileage allowance

(4) The provisions of this section shall be deemed to authorize payments at the rates and limitations mentioned in subsection 1 to members of the council for their services as members of any utility commission to which they are appointed under the authority of any general or special Act. Fees to council members on utility commission

1952, c. 63, s. 22, *part.*

406.—(1) The council of a local municipality may pass by-laws for paying the members of council an annual allowance as follows: Annual remuneration, of councillors of local municipalities

- (a) where the population exceeds 300,000, an annual allowance not exceeding \$4,000;
- (b) where the population exceeds 200,000 but is less than 300,000, an annual allowance not exceeding \$3,500;
- (c) where the population exceeds 120,000 but is less than 200,000, an annual allowance not exceeding \$3,000;
- (d) where the population exceeds 20,000 but is less than 120,000, an annual allowance not exceeding \$1,500;
- (e) where the population exceeds 10,000 but is less than 20,000, an annual allowance not exceeding \$1,000;

(f) where the population exceeds 5,000 but is less than 10,000, an annual allowance not exceeding \$750;

(g) where the population is 5,000 or less, an annual allowance not exceeding \$350.

of counties

(2) The council of a county may pass by-laws for paying the members of council an annual allowance not exceeding \$1,000.

of chairmen

(3) The council of a municipality may pass by-laws for paying, in addition to the amounts set out in subsections 1 and 2, an annual allowance not exceeding \$200 to each chairman of a standing committee and to the chairman of the court of revision and of the local board of health.

Deduction
for absence

(4) Every by-law passed under subsection 1 shall provide for the deduction from the annual allowance of a reasonable sum to be fixed by the council for each day's absence from ordinary meetings and may provide that, where a councillor is absent from the municipality in the performance of his duties as councillor or by reason of his illness or a death in the family, the council, by resolution, may provide that no deduction from his annual allowance shall be made in respect of such absence. 1959, c. 62, s. 23.

Annual
allowances
for local
board
R.S.O. 1960,
c. 98

407. A local board as defined in *The Department of Municipal Affairs Act*, except school and library boards, may provide for the payment of such annual allowance for the members thereof as may be approved by the Department. R.S.O. 1950, c. 243, s. 419.

Expense
allowance

408. Notwithstanding the other provisions of this Act or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in *The Department of Municipal Affairs Act*, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount, but not exceeding \$2,000, shall be deemed to be for expenses incident to the discharge of his duties as a member of the council or such local board. 1953, c. 70, s. 16.

Appointment
of member
of council
as commis-
sioner, etc.

409. A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any work, other than a highway, undertaken wholly or in part at the expense of the corporation, and may be paid the like remuneration for his services as if he were not a member of the council. R.S.O. 1950, c. 243, s. 420; 1958, c. 64, s. 34.

410. The council of any municipality may pay for or towards, Expenses for entertaining guests and for travelling on civic business

(a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and

(b) the travelling and other expenses of the members of council and of the officers and servants of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants a sum not exceeding in any one year,

(i) in the case of a local municipality having a population of,

not less than 500,000.....	\$50,000
not less than 200,000.....	30,000
not less than 100,000.....	20,000
not less than 50,000.....	10,000
not less than 20,000.....	3,000
not less than 10,000.....	2,000
less than 10,000.....	1,000

(ii) in the case of a county..... 2,500

and such sums do not include expenditures made under paragraphs 10, 11, 12, 13 and 14 of section 377 or expenditures for travelling and other expenses of the officers and servants of the municipality while travelling on normal business of the municipality within or outside the municipality, but do include expenses of members of council and of officers and servants of the municipality for attending other conventions and receptions. 1960, c. 69, s. 22.

411.—(1) The council of a municipality having a population of not less than 5,000 may pass by-laws for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, business, educational, residential or vacation centre. Industries department and commissioner

(2) The council of a local municipality may expend in any year a sum not exceeding the amount of one mill in the dollar on the total of its taxable assessment up to \$10,000,000 of taxable assessment, and an additional one-tenth of one mill in the dollar on that part of its total taxable assessment in excess of \$10,000,000 for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advancement of industries. Expenditures for publicity

tages of the municipality as an industrial, business, educational, residential or vacation centre, but no local municipality shall expend in one year an amount exceeding \$60,000 for such purposes.

Idem

(3) The council of a county may expend in any year a sum not exceeding \$1,500 for the purposes mentioned in subsection 2.

Pooling expenditures

(4) Any two or more municipalities may pool their funds and act jointly for the purposes of this section.

Exceeding prescribed limits

(5) Notwithstanding the limits prescribed in subsections 2 and 3, with the assent of the electors qualified to vote on money by-laws, the council of any municipality may expend in any year such sum for the purposes of this section as may be so assented to. 1951, c. 53, s. 23.

PART XX

HIGHWAYS AND BRIDGES

Interpretation

412.—(1) In this Part, "county bridge" means a bridge under the exclusive jurisdiction of the council of a county.

Exception

(2) Except as provided by section 427, this Part does not apply to a Provincial road or bridge under the control of the Crown. R.S.O. 1950, c. 243, s. 423.

Power to acquire part of highway

413. Where power is conferred by this Part upon a council to pass by-laws for acquiring or for assuming a highway, it includes the power to pass by-laws for acquiring or for assuming part of a highway. R.S.O. 1950, c. 243, s. 424.

What councils to exercise powers re highways and bridges

414. Where power to pass by-laws in respect of a highway or bridge is conferred by this Act on a council, unless otherwise expressly provided it is exercisable only by the council having jurisdiction over the highway or bridge or, if the highway or bridge is under the joint jurisdiction of two or more councils, only by the joint action of such councils, and a by-law by all of them is necessary for the exercise of such power. R.S.O. 1950, c. 243, s. 425.

What constitutes public highways

415. Except in so far as they have been stopped up according to law, all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public

use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways. R.S.O. 1950, c. 243, s. 426.

416.—(1) Unless otherwise expressly provided, the soil and freehold of every highway is vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under this or any other Act. Highways vested in corporation having jurisdiction over them

(2) In the case of a dedicated highway, such vesting is subject to any rights in the soil reserved by the person who laid out or dedicated the highway. R.S.O. 1950, c. 243, s. 427. Reservation of rights in soil

417. Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality has jurisdiction over all highways and bridges within the municipality. R.S.O. 1950, c. 243, s. 428. Jurisdiction of councils over highways

418. Sections 416 and 417 do not apply to roads or bridges owned by companies or individuals. R.S.O. 1950, c. 243, s. 429. Exception as to road owned by company, etc.

- 419.**—(1) The council of a county has jurisdiction over, Jurisdiction of county councils over roads and bridges
- (a) every highway, bridge and boundary line assumed by the council;
 - (b) every bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities, other than a city or separated town in the county;
 - (c) every bridge crossing a river or stream over 100 feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county.

(2) The council may provide that the jurisdiction conferred upon it by clause *b* of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than 80 feet in width or of such width less than 80 feet as may be specified in the by-law. R.S.O. 1950, c. 243, s. 430. Power to limit jurisdiction

420. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties have joint jurisdiction over such bridges. R.S.O. 1950, c. 243, s. 431. Jurisdiction over bridges on county boundaries

Jurisdiction
over bridges
on bound-
aries
between
county and
city, etc.

421. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town have joint jurisdiction over such bridges. R.S.O. 1950, c. 243, s. 432.

Jurisdiction
over bound-
aries
between
local muni-
cipalities

422. The councils of the local municipalities between which they run have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by this Act are under the jurisdiction of another council or other councils. R.S.O. 1950, c. 243, s. 433.

Jurisdiction
where corpo-
ration owns
bridge, etc.,
in another
municipality

423. Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate, the council of that corporation has jurisdiction over it. R.S.O. 1950, c. 243, s. 434.

Assumption
by villages
of bridges
under
control of
county

424.—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of and on such terms and conditions as may be agreed on with the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

Effect of
by-law

(2) When the by-law takes effect, the bridge ceases to be under the jurisdiction of the council of the county and comes and thereafter remains under the jurisdiction of the council of the village, and is and shall remain toll free. R.S.O. 1950, c. 243, s. 435.

Approaches
to bridges

425. The council having jurisdiction over a bridge has jurisdiction over the approaches to it for 100 feet next adjoining each end of the bridge. R.S.O. 1950, c. 243, s. 436.

Agreements
between
adjoining
municipali-
ties as to
maintenance
of boundary
road

426.—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon that it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion.

(2) When the agreement is confirmed by by-law of the council of each of the municipalities, the by-law shall be registered in the registry office of the registry division in which the highway is situate. Agreement to be registered

(3) After the registration of the by-law, each corporation has jurisdiction over that portion of the road that it has undertaken to maintain and keep in repair, and is liable for the damages incurred by reason of neglect to maintain and keep the same in repair, and the other corporation is relieved from all liability in respect of its maintenance and repair. R.S.O. 1950, c. 243, s. 437. Effect

427. Where the Lieutenant Governor in Council by proclamation declares, which it is lawful for him to do, that any public road or bridge under the control of the Minister of Highways shall not be under his control after a day named in the proclamation, such road or bridge after that day ceases to be under the control of the Minister, and no tolls shall be collected thereon and the road or bridge is under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities is under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part that lies within its municipality, or if it lies between two or more municipalities is under the joint jurisdiction of their councils. R.S.O. 1950, c. 243, s. 438. Proclamation bringing government road or bridge under jurisdiction of municipality

428.—(1) The council of a county may by by-law assume as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town, or within a village or township. Assumption by county councils of highways, bridges and boundary lines

(2) The by-law does not take effect until assented to by the council of the town, village or township. Assent

(3) The council of a county may also by by-law assume as a county road any county or township boundary line. County or township boundary

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township that connects with a county road. Connecting road in town

(5) Where a highway is assumed under this section, the bridges thereon shall also be assumed as county bridges. Bridges on such highway

(6) A by-law passed under this section may be at any time repealed by the council of the county. Repeal of by-law

(7) After the repeal of the by-law, such highway or bridge ceases to be under the jurisdiction of the council of the county. Effect of repeal

and falls and is under the jurisdiction of the council or councils that had jurisdiction over it at the time of the passing of the by-law for assuming it.

Grants in aid (8) Where a county assumes a highway or bridge under this section, the town, village or township within which the highway or bridge is situate may make grants to the county in aid of the maintenance or reconstruction thereof and the maintenance of the reconstructed highway or bridge or, where the highway or bridge is relocated, in aid of the construction and maintenance of the relocated highway or bridge. R.S.O. 1950, c. 243, s. 439.

Assuming highway in adjacent municipality as a public avenue or walk **429.**—(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than 100 feet.

Assent of other council (2) The by-law does not take effect until it is assented to by by-law of the council of the adjacent municipality. R.S.O. 1950, c. 243, s. 440.

Abandonment by county of roads **430.**—(1) The council of a county may by by-law abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

Clerk to transmit copies of by-law (2) Forthwith after the passing of the by-law, the clerk shall transmit by registered mail to the clerk of every local municipality through or along or on the border of which the road runs a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Approval of Municipal Board (3) The by-law does not take effect until it is approved by the Municipal Board, nor does it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

Jurisdiction after abandonment (4) From and after the taking effect of the by-law, the council of a municipality within which any part of the road so abandoned lies has jurisdiction over that part of it that lies within the municipality and, where any part of a road so abandoned lies between or on the border of two or more local municipalities, the councils of such municipalities have joint jurisdiction over that part of it.

Exception (5) Nothing in this section extends or applies to a bridge that under this Act is to be maintained wholly or partly by the corporation of the county. R.S.O. 1950, c. 243, s. 441.

431.—(1) A bridge of a greater length than 300 feet in a town having an equalized assessment of less than \$1,000,000 or in a township may, on the application of the council of the town or township, be declared to be a county bridge where, Bridges over 300 ft. in length in townships and certain towns may be declared county bridges

(a) it is used by the inhabitants of other municipalities;

(b) it is situate on an important highway affording means of communication to several municipalities; and

(c) on account of its length and for the reasons mentioned in clauses *a* and *b*, it is unjust that the burden of maintaining and repairing it should rest upon the corporation of the town or township.

(2) An order declaring the bridge to be a county bridge may be made by a judge of the county court of the county in which it is situate, on the application of the council of the town or township. Order of judge

(3) Notice of the application shall be served on the corporation of the county at least thirty days before the day on which it is to be made. Notice of application

(4) Each corporation is entitled to be represented by counsel on the hearing of the application, and the evidence may, if the judge sees fit, and shall, if either party so requests, be given under oath. Hearing

(5) If the judge is of opinion that for the reasons mentioned in subsection 1 the bridge should be declared to be a county bridge, he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township and, if he determines that it should be borne partly by each, he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order. Power of judge

(6) If the order declares the bridge to be a county bridge, it shall be registered in the registry office of the registry division in which the bridge is situate. Registration of order

(7) An appeal lies from the order of the judge to the Court of Appeal and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a judge of the Supreme Court sitting in court. Appeal

(8) If the order is reversed or varied by the order of the Court of Appeal or if an order declaring the bridge to be a county bridge is made by the Court of Appeal, the order of that court shall be registered as provided by subsection 6. Registration of order of Court of Appeal

Effect of
order after
registration

(9) Where the order of the judge of the county court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or, where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Court of Appeal, from and after the registration of the order of the Court of Appeal, the bridge is a county bridge.

Payment to
county of
proportion of
maintenance

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear, that proportion of the expenditure is payable by the last-named corporation to the corporation of the county on demand.

When new
application
may be made

(11) Where the application is dismissed, either by the order of the judge of the county court or by the order of the Court of Appeal, a new application shall not be made until five years have elapsed from the date of the order, and any new application thereafter made may be dealt with without regard to the former order, and subsections 1 to 10 apply *mutatis mutandis* to the application.

Approaches,
when to
form part
of bridge

(12) In the case of a bridge crossing a river, stream, pond or lake, the approaches to the bridge, whether consisting of embankments or other artificial works to the extent to which they are rendered necessary on account of the waters of the river, stream, pond or lake overflowing the highway on one or on both sides of the river, stream, pond or lake in times of freshets or at any other time, shall be deemed for the purpose of this section to form part of the bridge.

Application
of section to
construction
and renewal
of bridge

(13) This section also applies to a bridge that it is proposed to construct, including a bridge to replace an existing one and a bridge to replace one that has been carried away or destroyed or so damaged that it is necessary to rebuild it, and the application may be made before the work of construction is begun.

Determina-
tion by
judge as to
length of
bridge
required

(14) In the case of an application to which subsection 13 applies, it is the duty of the judge to consider and determine whether a bridge of the length of that which it is proposed to erect is necessary for the purpose for which it is to be erected and, if he is of opinion that a bridge of 300 feet or less will be sufficient for that purpose, it is the duty of the judge so to determine and to refuse to make an order under this section.

Power to
agree as to
maintenance

(15) In the case provided for by this section, the council of the town or township and the council of the county may at

any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations, or in a case to which subsection 13 applies as to the proportions in which the cost of constructing and maintaining the bridge and keeping it in repair shall be borne by their respective corporations.

(16) The agreement shall provide that the bridge shall thereafter or after a day to be named be under the exclusive jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township. What agreement to provide

(17) The terms of the agreement shall be embodied in an order of the judge of the county court which may be made upon the application of either corporation, and the order so made supersedes any former order made by him. Order of judge embodying agreement

(18) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county, the order made under subsection 17 shall so declare. Idem

(19) The order made under subsection 17 shall be registered as provided by subsection 6 and has the same effect as an order upon an application made under subsection 2, but the order is not subject to appeal. R.S.O. 1950, c. 243, s. 442. Registration of order

432. The council of a county which assumes, as a county road or bridge, any highway or bridge within a township shall with as little delay as reasonably may be and at the expense of the county cause the highway to be graded and drained and gravelled, macadamized, or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner, and shall maintain and keep the same in repair. R.S.O. 1950, c. 243, s. 443. Highways assumed by county to be gravelled, etc.

433. The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses *b* and *c* of subsection 1 of section 419. R.S.O. 1950, c. 243, s. 444. County to build and maintain certain bridges

434.—(1) Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it is the duty of the corporations of the counties and, where it forms or crosses a boundary line between a county and a city or a separated town, it is the duty of the corporations of the county and the city or separated town to erect and maintain bridges over such river, stream, pond or lake. Maintenance of bridges on county boundary lines

(2) The council of a county may by by-law provide that the duty imposed upon the corporation by subsection 1 shall By-law restricting duty

not extend to bridges over rivers, streams, ponds or lakes less than twenty feet in width. R.S.O. 1950, c. 243, s. 445.

Maintenance
of boundary
lines

435.—(1) Boundary lines between local municipalities, including those that also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines.

Exceptions

(2) Subsection 1 does not apply to boundary lines assumed by the council of the county or to such bridges as are under this Act to be erected or maintained by another corporation. R.S.O. 1950, c. 243, s. 446.

Local
municipalities to
erect and
maintain
certain
bridges

436. Where the council of a county passes a by-law under subsection 2 of section 419 or subsection 2 of section 434, it is the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. R.S.O. 1950, c. 243, s. 447.

Maintenance
of boundary
lines and
bridges in
provisional
judicial
district

437. All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district, shall be erected and maintained by the corporations of such municipalities and their councils have joint jurisdiction over them and, if the councils fail to agree as to the proportion of the expense to be borne by each corporation, the same shall be determined by arbitration. R.S.O. 1950, c. 243, s. 448.

Notice of
excavating
to owner of
utility works

438. Where digging, trenching or excavating with mechanical equipment upon a highway by a municipality or any person entitled so to do may interfere with a gas pipe line, telephone line, works for the distribution and supply of electrical power, water mains or sewers, the municipality shall, except in an emergency or unless otherwise agreed between the municipality and the owner of such works, at least twenty-four hours before the work is to be commenced, notify the owner of the works that such digging, trenching or excavating is to be done. 1960, c. 69, s. 23.

Keeping
rivers free
from drift-
wood, etc.

439.—(1) Where a river or stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties and, where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and, in case of failure to agree in either case as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. R.S.O. 1950, c. 243, s. 449.

What corporations to perform the work and apportionment of expense

440.—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality.

Keeping stream free from logs, brush, etc., in township

(2) It is the duty of such last-mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate appoints to inspect the same.

Other township to remove obstructions

(3) If the corporation receiving the notice neglects to perform such duty and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, is responsible for the damages sustained by any person by reason of such want of repair. R.S.O. 1950, c. 243, s. 450.

Effect of failure to perform duty

441. Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened that does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities, and a river, stream, pond or lake that crosses it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. R.S.O. 1950, c. 243, s. 451.

Deviations of boundary lines

442.—(1) Every iron, steel, concrete or stone bridge constructed by the corporation of a county, and every such bridge exceeding twenty feet clear span constructed by the corpo-

Specifications for certain bridges

ration of a township, shall be designed and built in accordance with general specifications approved by the Department of Highways.

Duplicate
plans to be
submitted

(2) Plans in duplicate for any such bridges may be submitted by the council of any county or township to the Department of Highways and, if they are found to be in accordance with such approved general specifications, the certificate of the Department shall be attached, and one of the plans shall be returned to the clerk of the county or township. R.S.O. 1950, c. 243, s. 452.

Liability for
repair of
public roads,
etc.

443.—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it or upon which the duty of repairing it is imposed by this Act and, in case of default, the corporation, subject to *The Negligence Act*, is liable for all damages sustained by any person by reason of such default.

R.S.O. 1960,
c. 261

Limitation
of actions

(2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.

Insufficiency
of fences,
etc.

(3) No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

Snow or
ice on
sidewalks

(4) Except in case of gross negligence, a corporation is not liable for a personal injury caused by snow or ice upon a sidewalk.

Notice of
action

(5) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered mail to the head or the clerk of the corporation, in the case of a county or township within ten days, and in the case of an urban municipality within seven days, after the happening of the injury, nor unless, where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time.

When failure
to give
notice of
claim is not
a bar to
action

(6) In the case of the death of the person injured, failure to give notice is not a bar to the action and, except where the injury was caused by snow or ice upon a sidewalk, failure to

give or insufficiency of the notice is not a bar to the action, if the court or judge before whom the action is tried is of the opinion that the corporation in its defence was not prejudiced by the want or insufficiency of the notice and that to bar the action would be an injustice, notwithstanding that reasonable excuse for the want or insufficiency of the notice is not established.

(7) This section does not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation. To what roads applicable

(8) Nothing in this section imposes upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or licence of its council. When corporation not responsible for acts of others

(9) A corporation is not liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair. When corporation not liable for damages

(10) Where a bridge that it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it, the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the rebuilding of it would entail a larger expenditure than would be reasonable having regard to the use that would be made of the bridge if it were rebuilt. Relief from obligation to rebuild

(11) The relief may be granted on such terms and conditions as the Board may deem just, and such notice of the application shall be given as the Board may direct. Conditions of granting relief

(12) Subsections 10 and 11 do not affect the costs of any pending action. R.S.O. 1950, c. 243, s. 453. Costs of pending actions

444. The provisions of subsections 2 to 9 of section 443 apply to an action brought against a corporation for damages occasioned by the presence of any nuisance on a highway. Action for damages for nuisance on highway
R.S.O. 1950, c. 243, s. 454.

445. Where a municipal corporation clears or attempts to clear snow from an unopened road allowance, private road or private lane by means of a snow plough or otherwise, no Snow removal

liability attaches to the corporation in so doing. R.S.O. 1950, c. 243, s. 455.

Registration of plan not to create highway repair liability
R.S.O. 1960, c. 296

446. The approval of a plan of subdivision under *The Planning Act* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to render the corporation liable for repair or for damages resulting from non-repair within the meaning of section 443. R.S.O. 1950, c. 243, s. 456.

Issue of debentures for reflooring bridge

447. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of reflooring the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is passed by a vote of two-thirds of all the members of the council and is approved by the Municipal Board. R.S.O. 1950, c. 243, s. 457.

Apportionment of damages

448.—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

Action to be against all corporations

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action.

What to be taken into account

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. R.S.O. 1950, c. 243, s. 458.

Members of council and employees not liable for non-repair of highways

449.—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages or any part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor is against the corporation.

Contractors not deemed employees

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. R.S.O. 1950, c. 243, s. 459.

450.—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation has a remedy over against such other person for and may enforce payment of the damages and costs that are recovered against the corporation.

(2) The corporation is entitled to such remedy over in the same action if the other person is a party to the action and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation or opening so placed, made, left or maintained by him.

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over, and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation has the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation only where a notice has been served on him, pursuant to rules of court, or where he has admitted or is estopped from denying the validity of such judgment.

(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. R.S.O. 1950, c. 243, s. 460.

451. When there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Supreme Court may upon the application of any or either of the corporations

Remedy over for damages caused by non-repair against persons causing same

Remedy over in same action

Adding party defendant

Where person causing damage has not been made a party

When a fresh action is necessary

Determination of disputes as to duty to erect and maintain bridge or repair highway

determine the matter in dispute on an originating motion, or the court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest. R.S.O. 1950, c. 243, s. 461.

Disputes as to apportionment of cost of erecting or maintaining

452. Except in the cases provided for by section 455, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. R.S.O. 1950, c. 243, s. 462.

Laying out highway where no original allowance

453.—(1) Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

Passing by-law for

(2) The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it that lies within the limits of its municipality.

Copy of by-law to be sent to other townships

(3) The clerk shall within four days after the passing of the by-law transmit by registered mail to the clerk of each of the other townships a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Arbitration

(4) If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

Power of arbitrator

(5) The arbitrator shall determine whether or not the proposed highway shall be established and laid out and, if he determines that it shall be established and laid out, he shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

Duties of other townships when arbitrator determines that highway should be laid out

(6) If it is determined by the arbitrator that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it that will lie within the limits of their respective municipalities, and for otherwise carrying out the award, and shall proceed with all reasonable dispatch to carry into effect the by-law.

(7) If it is determined by the arbitrator that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrator may by his award determine. R.S.O. 1950, c. 243, s. 463.

454.—(1) Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is desired shall be done, and serve a copy of it on the clerks of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

(2) If it is determined by the arbitrator that what is proposed ought to be done, he shall by his award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things that on its part are necessary for carrying into effect the objects of the by-law. R.S.O. 1950, c. 243, s. 464.

455.—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1 what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively and, in the case provided for by subsection 2, whether the boundary line shall be opened up and the pro-

portions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

Appointment
of commis-
sioners to
enforce
order

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

Townships
to have
opportunity
of doing
the work

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the township councils to do it, but, if the work is not proceeded with with such dispatch as the commissioners deem necessary, they shall themselves complete the work.

Apportion-
ment of and
collection of
cost of work
of commis-
sioners

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but, if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

County
boundaries
not affected

(7) This section does not apply to a township boundary line that is also a county boundary line. R.S.O. 1950, c. 243, s. 465.

Determina-
tion by
Municipal
Board of
disputes re
deviation
of county
boundary
lines

456. Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to,

- (a) the necessity for a deviation of the road from the boundary line; or
- (b) the location of the deviation; or
- (c) the use of an existing highway in lieu of a deviation; or
- (d) the proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make such order as may be deemed just, and such order is final and not subject to appeal. R.S.O. 1950, c. 243, s. 466.

457.—(1) The Ontario Motor League may, at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills that may be deemed to be dangerous or unsafe for travellers.

Power of Ontario Motor League to erect guide and mile posts, etc.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or be affixed or attached to it but a notice indicating the purpose that the guide post, mile post or danger signal is designed to serve. R.S.O. 1950, c. 243, s. 467 (1, 2).

How same to be erected

(3) Every person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of \$5. R.S.O. 1950, c. 243, ss. 467 (3), 493.

Offence

(4) No person shall cut, throw down, injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. R.S.O. 1950, c. 243, s. 467 (4).

Defacing posts erected

458. The Canadian Wheelman's Association of the Dominion of Canada has the like power as is conferred on the Ontario Motor League by section 457, and all the provisions of that section apply to guide posts, mile posts and danger signals erected or maintained by the Association; but, where either the League or the Association has exercised the powers conferred upon it upon any part of a highway, the other does not have the right to exercise its powers thereon. R.S.O. 1950, c. 243, s. 468.

Powers of C.W.A. as to erection of guide posts, etc.

459.—(1) The council of every municipality may pass by-laws,

Establishing, widening, stopping up, etc., highways, laying out boulevards, etc.

- (a) for establishing and laying out highways;
- (b) for widening, altering or diverting any highway or part of a highway;
- (c) for stopping up any highway or part of a highway;

- (d) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway;
- (e) for setting apart and laying out such parts as may be deemed expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (f) for permitting subways for cattle under and bridges for cattle over any highway;
- (g) for acquiring land or an interest in land at street intersections for the purpose of rounding corners.

Exceptions
as to exercise
of power

(2) Nothing in subsection 1 authorizes a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public department, board or officer of Ontario. R.S.O. 1950, c. 243, s. 469 (1, 2).

Approval of
Lieutenant
Governor to
by-law

(3) A by-law passed under clause *b* or *c* of subsection 1 in respect of an allowance for road reserved in the original survey.

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;
- (c) leading to the bank of any river or stream; or
- (d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Lieutenant Governor in Council, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant Governor in Council until such approval or confirmation has been obtained. 1955, c. 48, s. 45.

Approval of
Governor
General
to by-law

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor General in Council in respect of,

- (a) any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance or the Principal Secretary of State in whom the Ordinance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;
- (b) any land owned by the Crown in right of Canada;

1856, c. 45
(Can.)
C.S.C. 1859,
c. 24

- (c) any bridge, wharf, dock, quay or other work vested in the Crown in right of Canada,

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the Governor General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given.

(5) The powers conferred by clause c of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county. R.S.O. 1950, c. 243, s. 469 (4, 5). Limitation of power of county

(6) A by-law of the council of a township passed under clause c of subsection 1, Approval of judge or county council to township by-law

- (a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated;

- (b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated; and

- (c) in the case of other townships, does not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law by the council of the township. 1954, c. 56, s. 30.

(7) The council may in any by-law closing a highway provide that the same shall only be closed for vehicular traffic and not for pedestrian traffic or *vice versa*, and may provide for the erection of barricades to enforce the due observance thereof. R.S.O. 1950, c. 243, s. 469 (7). Closing of street to vehicular traffic only

[NOTE.—See *The Highway Improvement Act* (R.S.O. 1960, c. 171) as to consent of Lieutenant Governor to closing of highway connecting with the King's Highway.]

460.—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence Right of ingress and egress not to be taken away by closing road

over such highway or part of it unless such person consents to the passing of the by-law or unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided. R.S.O. 1950, c. 243, s. 470 (1); 1956, c. 50, s. 18.

By-law,
when to
take effect

(2) The by-law does not take effect until the sufficiency of such road or way of access has been agreed upon or until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

Arbitration
to determine
sufficiency
of road

(3) If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act and, if the amount of compensation is also not agreed upon, both matters shall be determined by one and the same arbitration.

By-law void
if road in-
sufficient

(4) If the arbitrator determines that the road or way of access provided is insufficient, he may by his award determine what road or way of access should be provided and, in that case, unless such last-mentioned road or way of access is provided, the by-law is void and the corporation shall pay the costs of the arbitration and award. R.S.O. 1950, c. 243, s. 470 (2-4).

Possession
of unopened
road allow-
ance

461.—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts that has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall, as against every person except the corporation the council of which has jurisdiction over the allowance for road, be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it.

Notice of
by-law to
be given

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. R.S.O. 1950, c. 243, s. 471.

Publication
of by-law,
etc.

462.—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

(a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or township shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway; and

- (b) the council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

(2) The clerk shall give the notices upon payment by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. R.S.O. 1950, c. 243, s. 472.

463. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing and laying it out, or where such land has been acquired by the corporation, section 462 does not apply to the by-law. R.S.O. 1950, c. 243, s. 473.

464.—(1) Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet.

(2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario land surveyor named in the by-law.

(3) A judge of the county or district court of the county or district in which the township is situate, on the application of any person over whose land the connecting road will pass, who objects to the surveyor appointed by the by-law, may appoint another Ontario land surveyor in the place of the one so appointed.

(4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days notice of the time when and the place where it will be heard by the judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality.

(5) The surveyor appointed by the by-law or, if another is appointed by the judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

(6) The determination of the surveyor as to the compensation is final. R.S.O. 1950, c. 243, s. 474.

Mistakes
in opening
road allow-
ances

465.—(1) Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road that was intended to be, but is not wholly or partly upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened is entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he is entitled to compensation under and in accordance with the provisions of this Act as for land expropriated under the powers conferred by this Act.

When right
to compen-
sation barred

(2) The right to compensation is forever barred if the compensation is not claimed within one year after the land was first taken possession of by the corporation. R.S.O. 1950, c. 243, s. 475.

Sanction of
council to
laying out
of highways

466.—(1) No highway shall be laid out in any municipality without the sanction of the council of the municipality.

Width of
highways

(2) No highway less than 66 feet in width or, except in a city or town, more than 100 feet in width shall be laid out by the council of the municipality without the approval of the Municipal Board or by any owner of land without the approval of the council of the municipality and of the Municipal Board.

Proviso
R.S.O. 1960,
c. 296

(3) Nothing in this section affects *The Planning Act*. R.S.O. 1950, c. 243, s. 476 (1-3).

Exception
as to lane

(4) Subsection 2 does not apply and has never applied to any lane laid out in the rear of lands abutting on another highway or to any outlet connecting such a lane with a highway. R.S.O. 1950, c. 243, s. 476 (5).

Agreement
for removal
of obstruc-
tions to view
of drivers

467.—(1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on the land that may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching the intersection.

Application
to judge
for order

(2) If the council is unable to make an agreement as provided in subsection 1, it may apply to the judge of the county court of the county in which the land is situate for an order compelling the removal or alteration of any object in respect of which the application is made, upon such notice to the owner of the land affected as the judge may direct, and the judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter the object, or author-

izing the municipal corporation to remove or alter the same and for that purpose to enter upon the land, and *The Judges' Orders Enforcement Act* applies to such an order. R.S.O. 1960, c. 243, s. 477. R.S.O. 1960, c. 196

468.—(1) By-laws may be passed:

1. By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality, or constructing, maintaining or improving any bridge therein. Granting aid for opening or improving, etc., highways
2. By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situate towards opening and making any new road on the boundary of the municipality or constructing any new bridge on such boundary line. By local municipalities to county
3. By the councils of cities, towns and villages for granting aid to the corporation of a township in the county in which the city, town or village is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township that constitutes or is to constitute or forms or is to form part of a highway leading to such city, town or village, or towards constructing, maintaining or improving any bridge forming or that is to form part of such highway. By cities, towns and villages to township
4. By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line. By counties for boundary lines
5. By the councils of counties for granting aid to the corporation of any town, village or township towards, By counties to towns, villages and townships
 - (a) opening any new highway or constructing any new bridge in the municipality;
 - (b) opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming or that is to form part of such highway.
6. By the councils of townships, By townships to county
 - (a) for granting aid to the corporation of a county adjoining that in which the township is situate towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;

- (b) for granting aid for the like purposes to the corporation of the county in which the township is situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted. R.S.O. 1950, c. 243, s. 478 (1), pars. 1-6.

By municipalities in unorganized territory

7. By the council of a municipality in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes. R.S.O. 1950, c. 243, s. 478 (1), par. 7; 1954, c. 56, s. 32.

Character of aid

(2) The aid may be granted by way of loan or otherwise. R.S.O. 1950, c. 243, s. 478 (2).

469. By-laws may be passed by the council of every municipality:

Boulevards

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway that may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

Regulations

2. For regulating the construction, maintenance and protection of such boulevards.

Areas and openings under highways

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, and canopies that project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening,

removing the bridge, structure, sign or other advertising device, or canopy, or otherwise as may be required by the by-law.

- (a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced. Annual charge for
- (b) The corporation is liable for any want of repair of the highway that may result from the construction, maintenance and use of any such area or opening, bridge or structure, sign or advertising device, or canopy, but is entitled to the remedy over provided for by section 450 against the person by whose act or omission the want of repair is caused. Liability of corporation for damages

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a bicycle path or of a foot path. Bicycle and foot paths

- (a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, wagon, carriage or cart over or along any such path is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$20. R.S.O. 1950, c. 243, s. 479, pars. 1-4.

5. For preserving or selling the timber or trees on any original allowance for road, subject however to the rights, if any, of a Crown timber licensee under *The Crown Timber Act* and, in the case of an unopened original allowance for road, subject also to the approval of the Minister of Lands and Forests. R.S.O. 1950, c. 243, s. 479, par. 5; 1954, c. 56, s. 33. Timber on road allowances R.S.O. 1960, c. 83

6. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers within the municipality or within any defined area or areas thereof. R.S.O. 1950, c. 243, s. 479, par. 6; 1957, c. 76, s. 31. Regulations re pits, precipices, etc.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose. Stone and gravel pits

8. For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, Power to enter upon land to take timber, gravel, etc.

maintaining and keeping in repair the highways and bridges, or for any other purpose.

Compensation, how determined

- (a) The compensation to be paid to the owners of and other persons interested in the land for the timber, gravel, stone or other material shall be agreed upon or determined by arbitration before the power to take it is exercised.

Idem, how computed

- (b) The compensation may be a lump sum for the privilege of taking as much timber, stone, gravel or other material as may be required, or a sum determined by the quantity taken, or a price by the cubic yard or otherwise for what may be taken, as may be agreed on or be determined by the arbitrator.

Right to pass over lands

- (c) Where it is necessary in the exercise of any of the powers conferred by the by-law to pass through or over the land of another person, the corporation may do so as occasion may require, doing no unnecessary damage, but, before doing so, the compensation to be paid for the exercise of such power shall be agreed upon or determined by arbitration. R.S.O. 1950, c. 243, s. 479, pars. 7, 8.

Purchasing or renting machinery

470. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, road-making machinery, snow-removal equipment and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money. R.S.O. 1950, c. 243, s. 480 (1); 1956, c. 50, s. 19.

Taking stock in bridge company

471. The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. R.S.O. 1950, c. 243, s. 481.

Joint works with other municipalities

472. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council in the same county for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. R.S.O. 1950, c. 243, s. 482.

473.—(1) In this section, "tree" includes a growing tree ^{Interpre-} or shrub planted or left growing on either side of a highway ^{tation} for the purpose of shade or ornament.

(2) Any person may plant trees on a highway with the ^{Planting} approval of the council of the municipality expressed by ^{trees on} resolution. ^{highways}

(3) Every tree upon a highway shall be appurtenant to the ^{Land to} land adjacent to the highway and nearest thereto. ^{which appur-} R.S.O. ^{tenant} 1950, c. 243, s. 483 (1-3).

(4) The council of every municipality may pass by-laws, ^{By-laws}

(a) authorizing and regulating the planting of shade or ornamental trees upon any highway;

(b) granting money to be expended for such purpose;

(c) granting money by way of bonus not exceeding 25 cents each for planting on any highway or within six feet thereof, ash, basswood, beech, birch, butter-nut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut or whitewood trees, such bonus to be payable at the expiration of three years from date of planting if the trees are then alive, healthy and in good form;

(d) for preserving trees;

(e) for prohibiting the injuring or destroying of trees;

(f) for causing any tree planted upon a highway to be removed when deemed necessary in the public interest, but the owner of the trees shall be given ten days notice of the intention of the council to remove such tree and be recompensed for his trouble in planting and protecting it and, if he so desires is entitled to remove the tree himself, but is not entitled to any further or other compensation;

(g) prohibiting the planting of any species of tree that the council deem unsuited for that purpose and for the removal without notice of such trees growing on a highway or planted thereon contrary to any such by-law;

(h) authorizing any officer or committee of the council to supervise the planting of trees upon the highways and the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or to remove decayed or dangerous trees or trees that have by by-law of the municipality been directed to be removed;

- (i) prohibiting the attaching of any object or thing to a tree located on any highway or public place, except with the consent of an officer of the municipality named in the by-law, notwithstanding that such attachment would not injure or destroy the tree. R.S.O. 1950, c. 243, s. 483 (4); 1960, c. 69, s. 24.

Service of
notices

- (5) Any notice required by subsection 4 may be given by leaving it with a grown-up person residing on the land or, if the land is unoccupied, by posting it in a conspicuous place on the land.

Consent
required to
removal, etc.

- (6) Except with the authority of the council or a committee or officer thereof appointed as aforesaid, no person shall remove or cut down or injure any tree growing upon a highway. R.S.O. 1950, c. 243, s. 483 (5, 6).

Prohibition
as to tying
animals, etc.

- (7) Any person who ties or fastens any animal to or injures or destroys a tree growing upon a highway or who suffers or permits any animal in his charge to injure or destroy such tree or who cuts down or removes any such tree contrary to this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$25, one-half of which shall go to the person laying the information and the other half to the corporation of the municipality within which the tree was growing. R.S.O. 1950, c. 243, ss. 483 (7), 493.

Expenditure
for works in
any county
of a union

- 474.**—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union.

What mem-
bers to vote
on by-law

- (2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except, in the case of an equality of votes, when the warden has the casting vote.

What prop-
erty assess-
able for
rates

- (3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

Debentures,
issue of

- (4) Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. R.S.O. 1950, c. 243, s. 484.

475. The council of a township may pass by-laws for granting a prize not exceeding \$10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. R.S.O. 1950, c. 243, s. 485.

Prizes for
best kept
roadside, etc.

476. The councils of all municipalities may pass by-laws:

1. For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges.

Obstruction
of highways

2. For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist.

Removal of
doorsteps,
etc.

3. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited.

Prohibiting
building or
maintaining
fences on
highways

(a) Unless the by-law otherwise provides, a by-law passed under the authority of this paragraph does not extend or apply to a worm fence that is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.

4. For prohibiting the throwing, placing or depositing of dirt, filth, glass, handbills, paper or other rubbish or refuse, or the carcass of any animal, on any highway or bridge.

Prohibiting
throwing
dirt, glass,
etc., on
highways

5. For prohibiting the obstruction of ditches or culverts upon highways.

Ditches and
culverts

6. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no by-law shall authorize the placing of such signs upon that portion of any highway that lies between the double tracks of a street railway constructed upon such highway known as the devil strip. R.S.O. 1950, c. 243, s. 486, pars. 1-6.

Traffic signs

7. For erecting, maintaining and operating on any highway or portion of a highway automatic or other mechanical meters or devices, with the necessary standards for the same, for the purpose of controlling and regulating the parking of any vehicle on the highway and measuring and recording the duration of such parking, for requiring drivers of every vehicle

Installation
of meters for
controlling
parking of
vehicles on
highways,
and charging
of fees for
parking

parked on such highways to make use of such meters or devices, and to pay for parking such vehicle on the highway a fee according to the amount or scale prescribed by the by-law and as measured by the meter or device, and for prohibiting parking of vehicles on such highway or portion of a highway unless such meter or device is made use of and such fee is paid, and for limiting the right of parking of vehicles on such highway to such drivers as do make use of such meters or devices and pay such fees.

No action
except for
negligence

- (a) No municipality or municipal parking authority, except in case of negligence, is liable for personal injury or for damage by reason of the erection, maintenance or operation of such meters or devices with the necessary standards for the same under the authority of a by-law passed under this paragraph, or by reason of a vehicle being parked on the highway under the terms of such by-law. R.S.O. 1950, c. 243, s. 486, par. 7; 1955, c. 48, s. 46.

Selling
original road
allowance

477.—(1) Where a highway for the site of which compensation was paid is established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway is legally stopped up, if the council determines to sell such original allowance or such stopped-up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land that abuts on it has the right to purchase the soil and freehold of it at that price.

Prior right
of owners
of abutting
lands

(2) Where there are more owners than one, each has the right to purchase that part of it upon which his land abuts to the middle line of the stopped-up highway.

Sale by
council to
other persons

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part that he has the right to purchase to any other person at the same or a greater price. R.S.O. 1950, c. 243, s. 487.

Where owner
of land taken
for highway
entitled to
original road
allowance

478.—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title, if he owns the land that abuts on such allowance, is entitled to the soil and freehold of it, and if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

When more
than one
owner

(2) Where the land that so abuts is owned by more persons than one, each is entitled to and to a conveyance of the soil

and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

(3) If the owner of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he is entitled to a part of the purchase money that bears the same proportion to the whole purchase money as the value of the part of the site of the new highway that belonged to him bears to the value of the whole site. R.S.O. 1950, c. 243, s. 488.

Where owner of land taken owns no land abutting on allowance

479.—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it is entitled to the soil and freehold of such allowance or part of it and, if it has not already been conveyed to him or to his predecessor in title, to a conveyance of it.

When person in possession entitled to original allowance

(2) Where there are more persons than one in such possession, each is entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Where several persons in possession

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section does not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is, in its opinion, useless to the public. R.S.O. 1950, c. 243, s. 489.

Requirement as to assumption of road by corporation

480. The Lieutenant Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a provisional judicial district not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway that he has stopped up or that, in consequence of an alteration or diversion of it, no longer forms part of the highway as altered or diverted. R.S.O. 1950, c. 243, s. 490.

Stopping up highways in unorganized territory

481.—(1) The council of a township in unorganized territory surveyed without road allowances, but in which 5 per cent of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section do not apply.

Opening up highways where 5 per cent reserved

(2) In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection 1, the corporation shall cause a plan thereof, so

Filing plan of roads in Department of Lands and Forests

far as it affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the plan in the Department of Lands and Forests. R.S.O. 1950, c. 243, s. 491.

PART XXI

PENALTIES AND ENFORCEMENT OF BY-LAWS

Power to
impose
fines

482.—(1) By-laws may be passed by the councils of all municipalities and by boards of commissioners of police for imposing fines of not more than \$300, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act. R.S.O. 1950, c. 243, s. 492 (1); 1955, c. 48, s. 47.

Recovery
R.S.O. 1960,
c. 387

(2) Every such fine is recoverable under *The Summary Convictions Act*, all the provisions of which apply, except that the imprisonment may be for a term of not more than six months for the breach of a by-law of the council or the board of commissioners of police of a city, and in all other cases for a term of not more than twenty-one days. R.S.O. 1950, c. 243, s. 492 (2).

Application
of fines

483. Where a prosecution is brought by a peace officer or employee of the corporation or of the local board of health, the whole of the fine belongs to the corporation, and in other cases belongs one-half to the corporation and the other one-half to the prosecutor. R.S.O. 1950, c. 243, s. 494.

Convictions
not invali-
dated for
want of proof
of by-law

484.—(1) A conviction for a contravention of any by-law shall not be quashed for want of proof of the by-law before the convicting justice, but the court or a judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit or in such other manner as may be deemed proper.

Requirement
as to proof

(2) Nothing in this section relieves a prosecutor from the duty of proving the by-law or entitles the justice to dispense with such proof. R.S.O. 1950, c. 243, s. 495.

Enforcing
performance
of things re-
quired to be
done under
by-laws

485. Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may, with-

out obtaining the assent of the electors, borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years. R.S.O. 1950, c. 243, s. 496.

486. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation or local board. R.S.O. 1950, c. 243, s. 497.

Power to
restrain
by action

PART XXII

POLICE VILLAGES

FORMATION

487.—(1) Subject to the provisions and conditions herein-after mentioned, a locality may be erected into a police village by the council of the county in which it is situate or, if it comprises parts of two or more counties, by the council of the county in which the larger or largest part of the locality is situate.

Formation
of police
village

(2) Where a petition signed by a majority of the owners of the locality whose names are entered on the last revised assessment roll and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such owners a majority of the whole number of owners and tenants whose names are so entered, praying for the erection of the locality into a police village, is presented to the council, the council, if the locality has a population of not less than 150 and an area of not more than 500 acres, may pass a by-law erecting the locality into a police village to take effect from a day to be named in the by-law, declaring the name the police village shall bear and its boundaries, fixing a time and place and naming the returning officer for holding the first election of trustees and fixing a time and place for the first meeting of trustees.

Petition of
freeholders
and tenants
required

By-law
erecting
village and
fixing date
of first
election, etc.

(3) Where a petition has been presented as provided by subsection 2 and is sufficiently signed, and the council of the county does not at its next meeting after the presentation of the petition pass a by-law erecting the police village, application may be made to the Municipal Board for an order erecting the locality described in the petition into a police village, and the Board upon being satisfied that the petition has been duly signed and presented to the council, and that the council has neglected to act, and that the locality contains a population of not less than 150 and has an area of not more

Power of
Municipal
Board to
erect police
village on
failure of
county

than 500 acres, and that the convenience of the inhabitants of the locality requires the erection of the police village, may make an order erecting the locality into a police village to take effect at a date to be named therein, declaring the name the police village shall bear and its boundaries, fixing the time and place and naming the returning officer for holding the first election of trustees and fixing the time and place for the first meeting of trustees. R.S.O. 1950, c. 243, s. 498.

Annexation of territory to police village

488.—(1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the police village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, by by-law increase the area of the village by adding to it any adjoining land, but not exceeding twenty acres for each additional 100 of its population over 500.

Extension of limits of police village

(2) In the case of a police village having a population of less than 500 and an area of less than 500 acres, the council of the county, on petition as required by subsection 1, may by by-law increase the area of such village by adding to it any adjoining land so that the total area does not exceed 500 acres.

Land in other county

(3) Land in another county shall not be included in the increased area without the consent of the council of that county.

Power of Municipal Board to increase area on failure of county to act

(4) Where a petition has been presented to increase the area of a police village as provided in subsection 1 or 2 and is sufficiently signed and the council of the county does not at its next meeting after the presentation of the petition pass a by-law increasing the area of the police village, application may be made to the Municipal Board for an order increasing the area as requested in the petition and the Board, upon being satisfied that the petition has been duly signed and presented to the council and that the council has failed to act, may make an order increasing the area of the police village by adding to it any adjoining land as described in the petition, provided that the addition does not exceed the limitation as set out in subsections 1 and 2, respectively, or include land in another county if the consent of the council of that county has not been obtained. R.S.O. 1950, c. 243, s. 499.

Rules of procedure re ss. 487, 488

489.—(1) The following rules apply in proceedings under sections 487 and 488.

1. Opposite the name of every petitioner in the petition there shall be shown, by reference to the number of

the lot, the land owned or occupied by him, and, where it is or forms part of a lot on a registered plan, the reference shall be to the number of the lot according to the plan; and the petition shall also show whether the petitioner is a freeholder or resident tenant.

2. A petition shall be deemed to be presented when it is lodged with the clerk and the sufficiency of the petition shall be determined by him and his certificate is conclusive in reference thereto.
3. The population of the locality shall be determined in case of dispute in such manner and by such means as the council determines.
4. The by-law shall not be passed before the expiration of one month after the presentation of the petition nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration.
5. The notice shall be published at least once a week for two successive weeks during the two months next preceding the meeting and shall contain a description of the locality sufficiently full to indicate the land that is intended to be included in the proposed police village or to be added to the police village, as the case may be.
6. The clerk shall, forthwith after it is passed, transmit a certified copy of the by-law to the Provincial Secretary who shall cause notice of it to be published in *The Ontario Gazette*.

(2) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period if the application is unsuccessful, the by-law is not liable to be quashed on any ground and the police village thereby erected or the land thereby added, as the case may be, shall be deemed to have been duly erected or added in accordance with this Act. 1954, c. 56, s. 35.

FORMATION IN PROVISIONAL JUDICIAL DISTRICTS

490.—(1) A locality in an organized township or in two or more adjoining organized townships in a provisional judicial district may be erected into a police village by order of the Municipal Board.

(2) The order may be made by the Board on receipt of a petition signed by a majority of the owners of the locality whose names are entered on the last revised assessment roll,

Finality of
by-law

Erection
of police
villages in
provisional
judicial
districts

Order of
Board on
receipt of
petition

and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such owners a majority of the whole number of owners and tenants whose names are so entered.

Area of
police
villages in
provisional
judicial
district

(3) No police village shall be erected under this section unless the locality described in the petition contains a population of not less than 150 and has an area of not more than 500 acres, but the Board may increase the area of such village in the like manner and under the same circumstances as set out in section 488 in the case of a police village situate in a county, and section 488 *mutatis mutandis* applies to proceedings under this section.

Provisions
of Act re
police
villages in
counties to
apply

(4) All the provisions of this Act with regard to police villages in counties, so far as practicable, apply to a police village erected in a provisional judicial district. R.S.O. 1950, c. 243, s. 501.

TRUSTEES—ELECTION OF, ETC.

Trustees,
number

491.—(1) There shall be three trustees for every police village.

General
powers

(2) The trustees may contract and may sue and be sued and may pass by-laws by and in the name of the trustees of the police village of (*naming it*), but they are not personally liable upon their contracts. R.S.O. 1950, c. 243, s. 502.

Application
of provisions
as to
election, etc.,
of township
councillors

492.—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 7, the provisions of Parts II, III and IV, which are applicable to councillors of townships, apply *mutatis mutandis* to trustees of police villages.

Returning
officer,
nomination
and polling

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling of every election except the first. R.S.O. 1950, c. 243, s. 503 (1, 2).

Returning
officer may
vote

(3) Where the returning officer for the police village is not the clerk to whom the ballot box is to be returned, the returning officer is entitled to vote at the election if otherwise qualified. 1955, c. 48, s. 48.

Duty of clerk
of township
as to
preparing
voters' list

(4) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters' list as relates to the village, attested by his declaration in writing as a true copy thereof.

(5) The return of the ballot box provided for by section 114 shall be made, Return of ballot box

- (a) where the village lies wholly within the township, to the clerk of that township;
- (b) where the village comprises parts of two or more townships in the same county, to the clerk of that county;
- (c) where the village comprises parts of two or more townships in different counties, to the clerk of the county in which the larger or largest part of the village is situate.

(6) The clerk to whom the ballot box is returned shall perform the duties that under sections 118 and 119 are to be performed by the clerk of a municipality. Duties of clerk on receiving ballot box

(7) No person is qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village. Qualification of trustee

(8) No person is qualified to vote at an election of trustees unless he has the prescribed qualification in the village. R.S.O. 1950, c. 243, s. 503 (3-7). Qualification of elector

(9) The first meeting of the trustees after the election shall be held at noon on the third Monday in January, or on some day thereafter at noon. R.S.O. 1950, c. 243, s. 503 (8); 1958, c. 64, s. 35. First meeting of trustees

493. If a vacancy occurs in the office of trustee, the remaining trustees or trustee shall appoint, by writing, a trustee to fill the vacancy. R.S.O. 1950, c. 243, s. 504. Vacancies, how filled

494. Any trustee may, subject to the approval of the Department, be paid such annual or other remuneration as the trustees may determine. R.S.O. 1950, c. 243, s. 505. Remuneration

495.—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee. Appointment of inspecting trustee

(2) Forthwith after the making of an appointment under subsection 1 or under section 493, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 5 of section 492. R.S.O. 1950, c. 243, s. 506. Requirement as to filing appointment of inspecting trustee, etc.

496.—(1) The trustees may at any time before the 1st day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause Requisition on township council to raise sums to meet expenditure

to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year.

Where village situate in more than one township

(2) Where the village comprises parts of two or more townships, the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 497.

Limit of rates

(3) The amount that the trustees may require to be so levied shall not in any year exceed a sum that a rate of $1\frac{1}{2}$ cents in the dollar in the case of a police village in a township or townships in which statute labour has been abolished, and in other cases 1 cent in the dollar, on the rateable property in the village will provide, but this does not apply to a rate imposed or to be levied under section 502, 503 or 505. R.S.O. 1950, c. 243, s. 507.

Apportionment of rate among townships by assessors

497.—(1) Where a village comprises parts of two or more townships, the proportion of the amount required to be levied in each township shall be determined by the assessors of the townships.

Time for meeting of assessors

(2) Where a police village is hereafter erected, the assessors shall meet forthwith after the election for the purpose of determining and shall determine the proportion to be levied in each township.

Subsequent meetings

(3) Thereafter and in the case of all other police villages, the meeting shall be held in every second year.

How interval computed

(4) Except in the case of a newly erected police village, the two years shall be reckoned from the respective times when the last determination was made by the assessors.

Determination when assessors differ

(5) If the assessors differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the assessors in determining the proportions, and the decision of a majority is final and conclusive.

Notice of determination to be given to clerk of township

(6) The determination of the assessor or of the assessors and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships.

Who to call meeting of assessors

(7) The meeting of the assessors shall be called by the assessor of the township in which is situate the larger or largest part of the rateable property of the village.

How long determination to govern

(8) The proportions as determined under this section govern until the next determination is to be made as provided by subsection 3. R.S.O. 1950, c. 243, s. 508.

498.—(1) The ratepayers of the village are entitled to such deduction from the township rate for general purposes payable by them as may be agreed upon between the trustees and the council of the township or, if the village comprises parts of two or more townships, by the councils of the respective townships or, if they are unable to agree, as shall be determined by a judge of the county court of the county in which the village is situated or, if the village is situated in two or more counties, of the county in which the assessment of the lands in the part of the village within the county is larger than the assessment of the lands in the part of the village within any other county. 1958, c. 64, s. 36.

Reduction
of township
rates for
general
purposes

(2) Either party may at any time apply to the judge for a modification of the terms of the agreement or order. R.S.O. 1950, c. 243, s. 509 (2).

Application
to judge

499.—(1) The trustees are entitled to have the statute labour to be performed by the ratepayers of the village performed in the village.

Performance
of statute
labour

(2) If the trustees request the council of a township to commute the statute labour payable by the ratepayers in that part of the village that is situate in the township, the council shall provide for such commutation at such rate not exceeding \$3 per day, as may be requested by the trustees.

When coun-
cil required
to commute

(3) The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. R.S.O. 1950, c. 243, s. 510.

Collection
and applica-
tion of com-
mutation
money

500. The trustees may,

Powers of
trustees

- (a) construct sidewalks and culverts and make, improve, drain and repair the highways in the village;
- (b) make contracts for the supply of light, heat, power, water or other public utilities by any person to the trustees for the purposes of the village or to the residents thereof;
- (c) enter into agreements for the supply of fire protection in the village by any person or corporation,

and do all things necessary for any of such purposes. R.S.O. 1950, c. 243, s. 511; 1958, c. 64, s. 37.

501.—(1) The treasurer of a township shall, if he has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the inspecting trustee or of any two of the trustees to the extent of,

Payment
by township
treasurer
of orders
of trustees

- (a) the sum required by section 496 to be levied by the council of the township and any sum that the council is required by the provisions of this Part to place to the credit of the trustees, although the same have not been then collected;
- (b) any money received for licence fees under any by-law of the trustees and for penalties for breaches of any such by-law or of sections 509, 510 and 511.

When order
not to be
given

(2) An order shall not be given under this section except for work actually performed or in payment pursuant to an executed contract. R.S.O. 1950, c. 243, s. 512.

Submission
of money
by-laws
for certain
purposes

502.—(1) Upon the application of the trustees, the council of a township in which a police village is situate shall submit for the assent of the electors of the village and, if it receives such assent, shall pass a by-law for borrowing money for,

- (a) the construction of sidewalks of cement, concrete, brick or other permanent material;
- (b) the purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) lighting the highways in the village;
- (d) supplying water, light, heat or power to the trustees for the purposes of the village or to the residents thereof;
- (e) acquiring land as a site for and erecting thereon a police village hall,

and for the issue of debentures of the corporation of the township for the money borrowed.

Special rate

(2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village.

Expenditure
of money
borrowed

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed.

Undertaking
of work

(4) When the by-law is passed, the trustees may undertake the work or service.

Control of
fire engines,
etc.

(5) The trustees have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of water, light, heat or power, and of the police village hall.

(6) The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service that has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor and for the maintenance and operation of the plant and appliances for the supply of light, heat or power and of the police village hall. R.S.O. 1950, c. 243, s. 513.

Statement to be furnished to clerk of township of amount required to be levied for certain purposes

503.—(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.

Purchase of fire engines and appliances with consent of township council

(2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.

Township to pass debenture by-law

(3) The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village.

Special rate

(4) The assent of the electors to the by-law is not necessary.

Assent of electors not required

(5) Subsections 5 and 6 of section 502 apply to a fire engine and appliances purchased under the authority of this section. R.S.O. 1950, c. 243, s. 514.

Application of subss. 5 and 6 of s. 502

504.—(1) The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding any such agreement no liability accrues to the trustees for failing to supply the use of the fire-fighting equipment, or any of it. R.S.O. 1950, c. 243, s. 515; 1958, c. 64, s. 38.

Fire-protection agreements

(2) For the purposes of paragraph 4 of section 394, and for the purposes of the joint management and operation of fire departments under paragraph 5 of section 377, the trustees have all the powers of the council of a township, except the power to issue debentures. 1951, c. 53, s. 24.

Establishment of joint fire departments

ESTABLISHMENT OF PARKS, GARDENS, ETC.

505.—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws, the council of a township in which a police village is situate may pass a by-law for

Acquiring land for parks, exhibitions, etc.

acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council may deem necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

Control and management of parks, etc.

(2) The trustees have the care, control and management of such highway, park, garden or place.

Powers of township council as to levying cost of parks, etc.

(3) The council of the township may provide,

(a) that the money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village; or

(b) that such money be raised by the issue of debentures of the corporation of the township.

Special rates

(4) The by-law shall impose the special rate for the payment of the debentures upon the rateable property in the village.

Statement as to amount required for maintenance of parks, etc.

(5) The trustees shall annually, before the striking of the rate for the year by the council of the township, furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the highway, park, garden or place for exhibitions, and the same shall be levied upon the land in the village.

Assent of electors not required

(6) The assent of the electors to a by-law passed under this section is not necessary. R.S.O. 1950, c. 243, s. 516.

Trustees to pass money by-laws where village situate in two or more townships

506.—(1) Where the village comprises parts of two or more townships, a by-law for the purposes mentioned in sections 502, 503 and 505 may be passed by the trustees, with the assent of the electors of the village qualified to vote on money by-laws, and for the purposes of such by-laws the trustees have all the powers of the council of a village, except the power to issue the debentures for the payment of the principal and interest.

Fixing proportion of debt to be borne by parts of village

(2) The by-law shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 496 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 497.

Certified copy for each township

(3) If the by-law receives the assent of the electors, the trustees, after passing it, shall serve a certified copy of it upon the clerk of each of the townships.

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law receive the assent of the electors or impose any rate for the payment of the debentures. By-law of township for raising money

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. R.S.O. 1950, c. 243, s. 517. Special rates

SPECIAL POWERS

507.—(1) The trustees have the like power to pass by-laws as is conferred on the council of a village with respect to, Special powers of trustees

- (a) driving or riding on roads and bridges, by paragraphs 51 and 52 of section 377;
- (b) public libraries, by paragraph 37 of section 377;
- (c) vehicles on sidewalks, by paragraph 54 of section 377;
- (d) pounds, by paragraphs 3 to 6 of subsection 1 of section 379;
- (e) removal of snow and ice, by paragraphs 54 and 55 of subsection 1 of section 379;
- (f) spitting on sidewalks, by paragraph 102 of subsection 1 of section 379;
- (g) horses and cattle upon sidewalks, by paragraph 101 of subsection 1 of section 379;
- (h) traffic on highways, etc., by paragraph 105 of subsection 1 of section 379;
- (i) tobacconists, by paragraph 2 of section 400;
- (j) bagatelle and billiard tables, by paragraph 1 of section 401;
- (k) exhibitions, places of amusement, etc., by paragraph 6 of section 401; and
- (l) trees on highways, by section 473.

(2) Where power is conferred to license, the licence fee shall be fixed by the trustees, and subsections 1, 3, 4, 5 and 6 of section 247 apply. Fixing amount of licence fee

(3) While a by-law passed under subsection 1 is in force, no by-law of the council of the township applicable to the same subject matter applies to or is in force in the village. When by-law of township not to apply to village

Length of
sidewalk to
be cleared
by owner

(4) Where a by-law is passed under clause *e* of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to 200 lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village. R.S.O. 1950, c. 243, s. 518.

Authenti-
cation of
by-laws

508.—(1) Every by-law of the trustees shall be signed by at least two of them.

Certified
copies to
be sent to
clerk of
township

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village. R.S.O. 1950, c. 243, s. 519.

PREVENTION OF FIRE

For pro-
viding
ladders, etc.

509.—(1) Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a fine of \$1 for every omission, and a further fine of \$2 for every week for which such omission continues.

Fire buckets

(2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a fine of \$1 for each bucket not so provided.

Furnaces,
etc.

(3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a fine of not more than \$2 for non-compliance.

Stove-pipes,
etc.

(4) No person shall pass a stove pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the woodwork nearest thereto, and the pipe of every stove shall be inserted into a chimney, and there shall be at least ten inches in the clear between any stove and any lathed partition or woodwork, under a fine of \$2.

Light in
stables, etc.

(5) No person shall enter a mill, barn, outhouse or stable with a lighted candle or lamp, unless it is well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a fine of \$1.

Chimneys

(6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or

in a stove of iron or other metal, properly secured, under a fine of \$1.

(7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, unless such fire is confined in a copper, iron or tin vessel, under a fine of \$1 for the first offence, and of \$2 for every subsequent offence. Securing fire carried through streets, etc.

(8) No person shall light a fire in a street, lane or public place under a fine of \$1. Lighting fires on streets

(9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling house, under a fine of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there. Hay, straw, etc.

(10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a fine of \$1. Ashes, etc.

(11) No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a fine of \$1, and a further fine of \$2 a day until the lime has been removed, or is secured, so as to prevent any danger from fire, to the satisfaction of the inspecting trustee. Lime

(12) No person shall erect a furnace for making charcoal of wood, under a fine of \$5. R.S.O. 1950, c. 243, s. 520. Charcoal furnaces

GUNPOWDER

510.—(1) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a fine of \$5 for the first offence, and \$10 for every subsequent offence. Gunpowder, how to be kept

(2) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a fine of \$10 for the first offence, and of \$20 for every subsequent offence. R.S.O. 1950, c. 243, s. 521. Not to be sold at night

NUISANCES

511. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a fine of \$1, and a further fine of \$2 for every week for which he neglects or refuses to remove the same after being notified to do so by the inspecting trustee or by some other person authorized by him. R.S.O. 1950, c. 243, s. 522. Certain nuisances prohibited

PROSECUTIONS

Trustees
required to
prosecute
offenders

512.—(1) It is the duty of the trustees to see that the provisions of sections 509, 510 and 511 are not contravened, and that offenders are prosecuted for breaches of them.

Penalty for
neglect to
prosecute

(2) Any trustee who wilfully neglects or omits to prosecute an offender against any of the provisions of sections 509, 510 or 511, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who wilfully neglects or omits to fulfil any other duty imposed on him by this Part, is liable to a fine of \$5. R.S.O. 1950, c. 243, s. 523.

Fines,
how
recoverable
R.S.O. 1960,
c. 387

513. The fines imposed by or under the authority of this Part are recoverable under *The Summary Convictions Act*, all of the provisions of which apply except that proceedings for the recovery of fines for contraventions of sections 509 to 512 shall be commenced within ten days after the commission of the offence or, if it is a continuing offence, within ten days after it has ceased and not afterwards. R.S.O. 1950, c. 243, s. 524.

INCORPORATION OF TRUSTEES

Incorpo-
ration of
board of
trustees

514.—(1) Where a police village has a population of not less than 500, the trustees may be created a body corporate and when incorporated the corporation shall be styled "The Board of Trustees of the Police Village of....." (*naming it*).

Procedure
as to incorpo-
ration of
board

(2) The provisions of this Part as to the erection of a police village apply *mutatis mutandis* to an application for the incorporation of the trustees of a police village with the exception that the petition for incorporation shall be signed by not less than fifty resident owners of the village whose names are entered on the last revised assessment rolls of the municipality or municipalities of parts of which the village is composed. R.S.O. 1950, c. 243, s. 525.

Appointment
of chairman
and secre-
tary

515.—(1) At its first meeting in each year, the board shall appoint one of its members to be the chairman, and shall also appoint a secretary.

Presiding
officer

(2) The chairman shall, if present, preside at all meetings of the board and in his absence the board shall appoint one of its members to act as chairman during such absence. R.S.O. 1950, c. 243, s. 526.

Authenti-
cation of
by-laws

516.—(1) The by-laws of the board shall be signed by the chairman or acting chairman and shall be sealed with its seal.

(2) The provisions of this Act as to the proof of by-laws of a council apply to the by-laws of the board. R.S.O. 1950, c. 243, s. 527. Proof of by-laws

517. The expenses of repairing and maintaining all works, improvements and services undertaken by the board under the authority of this Act shall be borne by the board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the board, in like manner as the money to be levied as provided by section 496. R.S.O. 1950, c. 243, s. 528. Repair and maintenance of improvement and works

518.—(1) If the board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 443 for damages suffered by or occasioned to any person in consequence of such default, the corporation is entitled to the remedy over against the board provided for by section 450. Remedy over of township against board for damages occasioned by non-repair

(2) The amount required to satisfy the liability of the board shall be levied and collected by a special rate on the rateable property in the village, and it is the duty of the board to make a requisition in writing to the council of the township to levy and collect the same. Special rate for collection of amount of damages

(3) Where a village comprises parts of two or more townships, the special rate shall be apportioned between the townships in the manner provided by section 497, and shall be levied and collected by the councils thereof in accordance with the requisition of the board. R.S.O. 1950, c. 243, s. 529. Apportionment of special rate

519.—(1) The board has the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works. Power to construct water, light, heat, power and gas works

(2) A copy of every by-law passed under the authority of subsection 1 shall be filed with the clerk of every township in which any part of the village is situate. Copy of by-law to be filed with township clerk

(3) Where the village is situate in one township, the council of that township shall levy and collect the amount required to be raised under any such by-law by a special annual rate upon the rateable property in the village, and, where the village comprises parts of two or more townships, the council of each township shall levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township. Special rates

(4) The proportion to be raised by each township shall be determined under section 497. Proportion of each township

Issue of
debentures

(5) Where it is necessary to issue debentures for any of the purposes of this section, the township or townships in which the village is situate may issue debentures for its due proportion to be determined as aforesaid. R.S.O. 1950, c. 243, s. 530.

Board to
have all
powers of
trustees of
a police
village

520.—(1) The powers expressly conferred on boards of trustees of police villages are in addition to the powers conferred by this Part on trustees of a police village and, except where other provision is made by this Part with respect to such boards, all the provisions of this Part relating to trustees of police villages apply to such boards.

Power to
impose
fines,
etc.

(2) Sections 482, 484 and 485 apply *mutatis mutandis* to by-laws passed under the authority of this Part by a board of trustees of a police village. R.S.O. 1950, c. 243, s. 531.

PART XXIII

IMPROVEMENT DISTRICTS

R.S.O. 1960,
c. 98,
Part III,
to apply

521. Every improvement district is subject to Part III of *The Department of Municipal Affairs Act*. 1954, c. 56, s. 36, *part*.

Nature and
status

522.—(1) Every improvement district shall be deemed to be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council.

Special
provision
re trustees

(2) Where, in an improvement district, a high school district is established and a separate school is maintained, one of the trustees appointed under subsection 1 shall be a separate school supporter.

Quorum

(3) Two members of the board form a quorum.

Vacancies

(4) If a vacancy occurs on the board through death, resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant Governor in Council.

Board
deemed to
be local
boards
R.S.O. 1960,
c. 98, 362

(5) The members of the board, with respect to the improvement district, shall be the members of every local board within the meaning of *The Department of Municipal Affairs Act*, except a local board of health, a separate school board, or a high school board of a high school district established under subsection 4 of section 12 of *The Secondary Schools and Boards of Education Act*.

(6) The chairman of the board, with respect to the improvement district, has the powers and shall perform the duties of a mayor or reeve and the chairman of every local board of which the members are the members of the board of trustees and, when the improvement district forms part of a county for municipal purposes, he is a member of the county council. Chairman

(7) The vice-chairman of the board, during the absence of the chairman through illness or otherwise or if the office of chairman is vacant, has all the powers and shall perform the duties of the chairman except that he shall not act in the place of the chairman on a county council. Vice-chairman

(8) The board shall appoint a secretary-treasurer who may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, has the powers and shall perform the duties of the clerk, treasurer, assessor and collector of a municipality, and the secretary and treasurer of every local board of which the members are the members of the board of trustees. 1954, c. 56, s. 36, *part*. Secretary-treasurer

(9) Where the secretary-treasurer is the chairman of the board, he is eligible to sit and vote as a member of the county council and clause *e* of subsection 1 of section 35 does not apply. 1958, c. 64, s. 39. Secretary-treasurer eligible as member of county council

523.—(1) When an improvement district has been in existence for more than three years, the board of trustees may by by-law, passed with the assent of the resident ratepayers, provide for the election of the members of the board, in which case the provisions of this Act with respect to elections apply *mutatis mutandis*. Election of trustees

(2) At the first meeting of the board after each election, the trustees shall elect one of themselves as chairman and another as vice-chairman. 1954, c. 56, s. 36, *part*. Chairman and vice-chairman

524. Every improvement district may,

(a) acquire and hold land within the improvement district for development purposes;

Acquisition
of land for
development

(b) survey, clear, grade and subdivide such land;

(c) undertake with respect to such land any undertaking, work, project, scheme, act, matter or thing that may be undertaken by a municipality under any Act;

(d) sell, lease or otherwise dispose of such land; and

(e) borrow money upon debentures for any of the purposes mentioned in clauses *a* to *d*. 1956, c. 50, s. 20.

PART XXIV

MISCELLANEOUS

Forms of
notices, etc.,
by-laws

525. Where the forms therefor are not prescribed by this Act, the Department may approve of forms of by-laws, notices and other proceedings to be passed, given or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding that is in substantial conformity with the form so approved is not open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such forms is not obligatory. R.S.O. 1950, c. 243, s. 532.

FORM 1

(Section 48 (1) (a))

DECLARATION OF QUALIFICATION BY CANDIDATE

I,, a candidate for election to the office of
in the municipality of declare that:

1. I am a householder residing in this municipality and am assessed as owner (*or* tenant) of a dwelling or apartment house (*or* part of a dwelling or apartment house separately occupied as a dwelling) or (am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list) and that I reside in (*or* within five miles of) the municipality.

2. I am entered on the last revised voters' list as qualified to vote at municipal elections.

3. I am a British subject and am not a citizen or a subject of any foreign country.

4. I am of the full age of 21 years.

5. I am not disqualified under section 35 of *The Municipal Act* or under any other Act.

6. I have taken the oath of allegiance (Form 2), which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me at..... }
..... this..... }
day of....., 19..... }

R.S.O. 1950, c. 243, Form 1.

FORM 2

(Sections 34 (1) (c), 48 (1) (b))

I,, a candidate for election to the office of
in the municipality of do swear that I will be faithful
and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning
sovereign for the time being*).

Sworn before me at the..... }
of }
in the of }
this day of }
19..... }

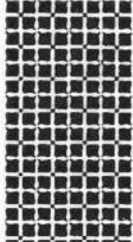
R.S.O. 1950, c. 243, Form 2; 1955, c. 48, s. 49.

FORM 3

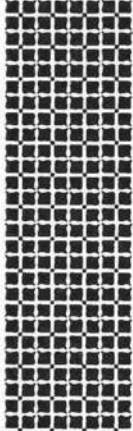
(Section 72 (1))

BALLOT PAPER FOR CITIES AND TOWNS

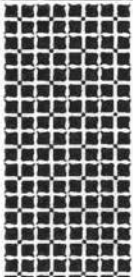
FORM FOR MAYOR

	Election for the Members of the Municipal Council of the City of Ward No. Polling Subdivision No. day of 19.....	FOR MAYOR	ALLAN Charles Allan, of King Street, in the City of Toronto, Merchant.
		BROWN William Brown, of the City of Toronto. Banker.	

FORM FOR REEVE AND DEPUTY REEVE IN TOWNS

	Election for the Members of the Municipal Council of the Town of Polling Subdivision No. day of 19.....	FOR REEVE	CLITHEROE Albert Clitheroe, of the Town of Galt, Baker.
			HUGHES David Hughes, of the Town of Galt, Tinsmith.
		FOR DEPUTY REEVE	FARQUHARSON Robin Farquharson, of the Town of Galt, Builder.
			MacPHERSON Roderick MacPherson, of the Town of Galt, Printer.

FORM FOR ALDERMEN OR COUNCILLORS

	Election for the Members of the Municipal Council of the City of Ward No. Polling Sub- division No. day of 19.....	FOR ALDERMAN (or) COUNCILLOR	ARGO James Argo, of the City of Toronto, Gentleman.
		BAKER Samuel Baker, of the City of Toronto, Baker.	
		DUNCAN Robert Duncan, of the City of Toronto, Printer.	

[NOTE.—In the case of cities and towns where Aldermen or Councillors are elected by general vote, the form above given is to be adapted to suit the case.]

R.S.O. 1950, c. 243, Form 3.

FORM 4

(Section 72 (2))

BALLOT PAPER FOR CITIES
OF NOT LESS THAN 200,000 POPULATION

FORM FOR MAYOR AND CONTROLLERS

CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR MAYOR	ALLAN Charles Allan, Merchant.
	BROWN William Brown, Banker.

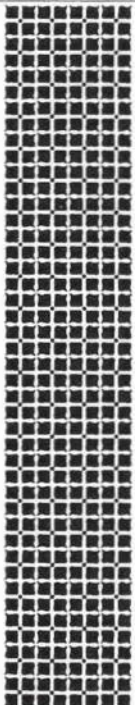
FORM FOR ALDERMEN

CITY OF TORONTO Municipal Elections , 19 Ward No. Polling Subdivision No. FOR ALDERMAN	ARGO James Argo, Gentleman.
	BAKER Samuel Baker, Baker.
	DUNCAN Robert Duncan, Printer.
	ROBINSON Archibald Robinson, Butcher.

FORM 5

(Section 72 (1))

BALLOT PAPER FOR VILLAGES

	Election of Members of the Municipal Council of the of in the County of Polling Subdivision No. day of 19.....	FOR REEVE	BROWN John Brown, of the Village of Weston, Merchant.
			ROBINSON George Robinson, of the Village of Weston, Physician.
		FOR COUNCILLORS	BULL John Bull, of the Village of Weston, Butcher.
			JONES Morgan Jones, of the Village of Weston, Grocer.
			McALLISTER Allister McAllister, of the Village of Weston, Tailor.
			O'CONNELL Patrick O'Connell, of the Village of Weston, Milkman.

R.S.O. 1950, c. 243, Form 5.

FORM 6
(Section 72 (1))
BALLOT PAPER FOR TOWNSHIPS

Election of Members of the Municipal Council of the Township ofin the County of	FOR REEVE	ALLSOPP
		Albert Allsopp, of the Township of York, Brewer.
	FOR DEPUTY REEVE	BURTON
		Henry Burton, of the Township of York, Farmer.
		BANKS
		John Banks, of the Township of York, Blacksmith.
		CALDWELL
	FOR COUNCILLORS	Henry Caldwell, of the Township of York, Market Gardener.
		CONNOR
		Patrick Connor, of the Township of York, Cattle Dealer.
		DAVIDSON
		Thomas Davidson, of the Township of York, Milkman.
BRITTON		
James Britton, of the Township of York, Farmer.		
LLOYD		
David Lloyd, of the Township of York, Farmer.		
MACDONALD		
Philip Macdonald, of the Township of York, Agent.		
O'LEARY		
Dennis O'Leary, of the Township of York, Farmer.		

[NOTE.—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required, and the counterfoils shall bear, instead of the words appearing on the form, the words "Election of, to fill a vacancy in the office of Ward No., Polling sub-division No., day of, 19.".

Where controllers, or commissioners, or members of the board of education, are to be elected, the ballot papers are to be similar in form.]

FORM 7

(Section 77)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter will go into one of the compartments and, with a pen or pencil, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any place within the division that contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the deputy returning officer (*or* returning officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the deputy returning officer (*or* returning officer, *as the case may be*) and forthwith quit the polling place.

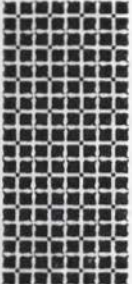
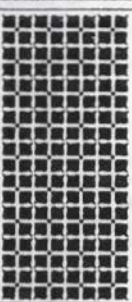
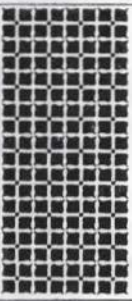
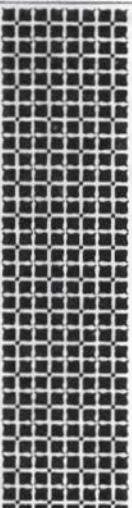
If the voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer (*or* returning officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William David for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election for the Members of the Municipal Council of the Town of..... Ward No. Polling Sub-division No. day of....., 19.....	FOR MAYOR	<p style="text-align: center;">THOMPSON</p> <p>Jacob Thompson, of the Town of Barrie, Merchant. X</p> <hr/> <p style="text-align: center;">WALKER</p> <p>Robert Walker, of the Town of Barrie, Physician.</p>
	Election for the Members of the Municipal Council of the Town of..... Ward No. Polling Sub-division No. day of....., 19.....	FOR REEVE	<p style="text-align: center;">JONES</p> <p>George Jones, of the Town of Barrie, Barrister. X</p> <hr/> <p style="text-align: center;">SMITH</p> <p>John Smith, of the Town of Barrie, Banker.</p>
	Election for the Members of the Municipal Council of the Town of..... Ward No. Polling Sub-division No. day of....., 19.....	FOR DEPUTY REEVE	<p style="text-align: center;">BROWN</p> <p>Thomas Brown, of the Town of Barrie, Grocer. X</p> <hr/> <p style="text-align: center;">DAVIS</p> <p>William Davis, of the Town of Barrie, Jeweller.</p>
	Election for the Members of the Municipal Council of the Town of..... Ward No. Polling Sub-division No. day of....., 19.....	FOR COUNCILLORS	<p style="text-align: center;">BULL</p> <p>John Bull, of the Town of Barrie, Butcher. X</p> <hr/> <p style="text-align: center;">JONES</p> <p>Morgan Jones, of the Town of Barrie, Grocer.</p> <hr/> <p style="text-align: center;">McALLISTER</p> <p>Allister McAllister, of the Town of Barrie, Tailor.</p> <hr/> <p style="text-align: center;">O'CONNELL</p> <p>Patrick O'Connell, of the Town of Barrie, Milkman. X</p>

FORM 8
(Section 80)

FORM IN WHICH POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS	Description of property in respect of which the voter is entitled to vote.	Owner, Tenant, Farmer's Son, etc.	Residence of Voter.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	Mayor and Reeve.	Deputy Reeves.	Councillors.	REMARKS

NOTE.—In Cities, the column above headed "Mayor and Reeve" is to be headed "Mayor"; and the column above headed "Councillors" is to be headed "Aldermen". In Townships and Villages, the above column headed "Mayor and Reeve" is to be headed "Reeve". Where Controllers, Commissioners or Members of a Board of Education are to be elected, columns for these are to be added with appropriate headings.

R.S.O. 1950, c. 243, Form 8; 1957, c. 76, s. 32.

FORM 9

(Section 85 (1))

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST

Election to the Municipal Council of the.....
 of, 19.....

I,, Clerk of the Municipality of in the
 County of, hereby certify that the assess-
 ment roll for this municipality upon which the voters' list to be used at
 this election is based was returned on the.....
 day of, 19....., and that the last day for making
 complaint to the Judge with respect to the list was the.....
 day of, 19.....

Dated this..... day of, 19.....

[Seal]

Clerk

R.S.O. 1950, c. 243, Form 9; 1951, c. 53, s. 25.

FORM 10

(Section 37 (7-9))

Municipality of.....

CERTIFICATE TO ENTER NAME ON VOTERS' LIST

I hereby certify that the name of the following person, that is to say:

Name	Con- dition	Lot	Street or Con- cession	Owner, Tenant, etc.	Post Office Address	Jurors' column
.....
.....
.....
.....
.....
.....
.....

has been omitted from the last revised voters' list of this municipality and
 that he is entitled to be entered thereon and to vote at the municipal poll
 to be held on the day of, 19....., for Polling
 Subdivision No. in the Ward, and this is
 your authority for entering the name of such person on the voters' list for
 the said subdivision and for permitting him to vote as if his name had
 been entered before the said list was revised.

Given under my hand this day of, 19.....

Clerk

To the Returning Officer
 and Deputy Returning Officer,
 Polling Subdivision No. Ward.

R.S.O. 1950, c. 243, Form 10; 1952, c. 63, s. 25.

FORM 11

(Section 90 (15))

CERTIFICATE AS TO VOTERS WHO HAVE VOTED
AT ADVANCE POLL

I,, Returning Officer for the municipal election for the of, certify that the following voters listed on the Voters' List for Polling Subdivision No. of the of have voted at an advance poll held for this election:

Name

Address

.....
.....

Given under my hand this day of
19.....

Returning Officer.

1954, c. 56, s. 37.

FORM 12

(Section 95 (1))

OATH TO BE ADMINISTERED TO A VOTER

You swear (a)

1. That you are the person named or intended to be named by the name of in the list (or supplementary list) of voters (b) now shown to you.

2. That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of 21 years.

3. That you are not a citizen or subject of any foreign country.

4. That (c).

5. (In the case of a municipality not divided into wards) That you have not voted before at this election at this or any other polling place.

6. (Where the municipality is divided into wards and the election is not by general vote.) That you have not voted before at this election at this or any other polling place in this ward, (or if the election is by general vote) that you reside in this polling subdivision (or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality, as the case may be), and that you have not voted before or elsewhere at this election, and will not vote elsewhere at this election (d).

7. That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender.

8. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election.

9. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

(a) *If the voter is a person who may by law affirm in civil cases, substitute for "swear", "solemnly affirm".*

(b) *In the case of a new municipality in which there has not been any assessment roll, instead of referring to the list of voters, the oath is to state the land in respect of which the person claims to vote.*

(c) *In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right (or your wife is in her own right or your husband is in his own right) owner of land within this polling subdivision (or, in case of a ward, not divided into polling subdivisions, "within this ward").*

In the case of a person claiming to vote in respect of a leasehold estate, insert here, "That you were (or your wife was or your husband was) actually and truly in good faith possessed to your (or her or his) own use, and benefit as tenant of the land in respect of which your name is entered on such list". And in the case of a wife or husband of a tenant, insert here, "And your (wife or husband) is a resident of this municipality and has resided within it for one month next before this election".

In the case of a person claiming to vote as a farmer's son, insert here That on the day of, 19....., (the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list) A.B., (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years, as you verily believe of the land in respect of which your name is entered on the voters' list, and that you are a son (or a stepson) of the said A.B., and that you resided on the said land for twelve months next before the said day, and were not absent during that period except temporarily, and for not more than six months in all, and that you are still a resident of this municipality.

Where the voter is a leaseholder, and the voting is on a by-law under section 69 of The Local Improvement Act, add:

That you have, by the lease under which you hold, contracted to pay all municipal taxes, including local improvement rates.

(d) *(In the case of a municipality divided into wards, if the by-law is one for creating a debt, substitute for paragraph 6 the following):*

6. That you have not voted before on the by-law at this or any other polling place in this ward; *(and in the case of any other by-law, the following):*

6. That you reside in this polling subdivision or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality *(as the case may be)*, and that you have not voted before elsewhere, and will not vote elsewhere on the by-law.

Where the voter is a leaseholder, and the voting is on a by-law for creating a debt, add the following paragraph:

10. That the lease under which you hold extends for the period for which the debt or liability to be created by the by-law is to run, and you have contracted by the lease to pay all municipal taxes in respect of the land other than special assessments for local improvements.

Where the voting is on a by-law, substitute for the words "at this election" the words "on the by-law"; and where the voting is on a question, substitute for the words "at this election" the words "on the question".

R.S.O. 1950, c. 243, Form 11; 1955, c. 48, s. 50.

NOTE.—Where the voter is the nominee of a corporation, the oath shall state the fact, and that the voter has not voted before on the by-law "at this or any other polling place", adding if the municipality is divided into wards "in this ward", and shall also contain paragraphs 1, 7, 8 and 9.

FORM 13

(Section 100)

DECLARATION OF INABILITY TO READ

I, *A.B.*, of, being numbered on the voters' list for polling subdivision No., in the City (*or as the case may be*) of, being a legally qualified elector for the City (*or as the case may be*) of, declare that I am unable to read (*or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be*).

(*A.B.*, His X Mark)
Dated this day of, 19.....

R.S.O. 1950, c. 243, Form 12.

NOTE.—If the person objects on religious grounds to mark a ballot paper the declaration may be made orally and to the above effect.

FORM 14

(Section 100 (5))

DECLARATION OF FRIEND OF BLIND VOTER

I, (*insert name of friend*), of the of in the County of (*occupation*), declare that I will keep secret the name of the candidate for whom I mark the ballot of (*name of blind voter*) on whose behalf I act.

Dated this day of, 19.....

Witness:

*Deputy Returning Officer**Signature of friend*

R.S.O. 1950, c. 243, Form 13.

FORM 15

(Section 100 (7))

CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ

I, *C.D.*, Deputy Returning Officer for Polling Subdivision No. for the City (*or as the case may be*) of, hereby certify that the above (*or within*) declaration, having been first read to the above (*or within*) named *A.B.*, was signed by him in my presence with his mark.

C.D.
Dated this day of, 19.....

R.S.O. 1950, c. 243, Form 14.

FORM 16

(Section 114 (1))

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER

I,, swear that I am the person to whom
 No., of the of
 entrusted the ballot box for the polling subdivision to be delivered to the
 Clerk; that the ballot box that I delivered to the Clerk this day is the
 ballot box I so received; that I have not opened it and that it has not
 been opened by any other person since I received it from the Deputy
 Returning Officer.

Sworn before me at..... }
 this }
 day of, 19..... }

R.S.O. 1950, c. 243, Form 15.

FORM 17

(Section 114 (3))

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL

I,, Deputy Returning Officer for Polling Subdivision
 No., of the City (or as the case may be) of in the County
 of swear that, to the best of my knowledge and belief, the poll
 book kept for the polling place under my direction has been kept correctly,
 that the total number of voters polled according to the poll book is,
 and that it contains a true and exact record of the votes given at the
 polling place, as the votes were taken thereat; that I have correctly counted
 the votes given for each candidate, in the manner by law provided, and
 performed all duties required of me by law, and that the statement, voters'
 list, poll book, packets containing ballot papers, and other documents
 required by law to be returned by me to the Clerk, have been faithfully
 and truly prepared and placed in the ballot box, and are contained in
 the ballot box returned by me to the Clerk, which was locked and sealed
 by me, in accordance with *The Municipal Act*, and remained so locked and
 sealed while in my possession.

Sworn before me at..... }
 in the County of..... }
 this day of, 19.... }

R.S.O. 1950, c. 243, Form 16.

FORM 21

(Section 236 (3))

DECLARATION OF CONSTABLES

I,, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality, and that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office.

R.S.O. 1950, c. 243, Form 20.

FORM 22

(Section 236 (4))

OATH OF RETURNING OFFICER, DEPUTY RETURNING
OFFICER AND POLL CLERK

I,, swear that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute, the office of (*inserting the name of the office*) in this municipality and that I have not received and will not receive any payment or reward, or promise thereof, for the due exercise of any partiality or malversation or other undue execution of such office.

Sworn before me this..... }
day of, 19..... }

R.S.O. 1950, c. 243, Form 21.

FORM 23

(Section 236 (6))

DECLARATION OF AUDITOR

I,, having been appointed auditor for the municipal corporation of, promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor, for the present year.

R.S.O. 1950, c. 243, Form 22.

FORM 24

(Section 259 (2))

DECLARATION OF ELECTOR

I, the undersigned,, declare that I am an elector in this municipality, and that I am desirous of promoting *(or opposing, as the case may be)* the passing of the by-law to *(here insert object of the by-law)*, submitted by the Council of this municipality *(or of voting in the affirmative, or in the negative, as the case may be)*, on the question submitted.

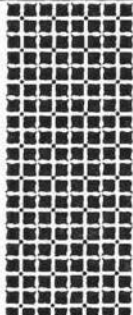
Declared before me this..... }
day of....., 19..... }

R.S.O. 1950, c. 243, Form 23.

FORM 25

(Section 266)

BALLOT PAPER FOR VOTING ON A BY-LAW

19..... Voting on By-law to <i>(here insert object of the by-law)</i> submitted by the Council of the of	FOR The By-law.
		AGAINST The By-law.

R.S.O. 1950, c. 243, Form 24.

FORM 26

(Section 266)

BALLOT PAPER FOR VOTING ON QUESTION

19..... Voting on the following question <i>(here state questions)</i> .	YES
		NO

R.S.O. 1950, c. 243, Form 25.

FORM 27

(Section 267)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter will go into one of the compartments and, with a pen or pencil, place a cross, thus X, on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

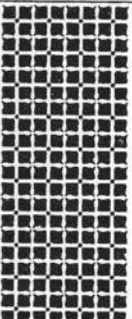
The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (or Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (or Returning Officer, *as the case may be*), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of ballot paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:

	Voting on By-law to (here insert object of the by-law) sub- mitted by the Council of of	FOR X
		The By-law.
		AGAINST
		The By-law.

R.S.O. 1950, c. 243, Form 26; 1953, c. 70, s. 20.

FORM 28

(Section 275 (1))

NOTICE ON PROMULGATION OF BY-LAW

The above is a true copy of a by-law passed by the Municipal Council of the of on the day of, 19..... And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed must make his application for that purpose to the Supreme Court, within three months next after the first publication of this notice in the newspaper called the, or he will be too late to be heard in that behalf.

R.S.O. 1950, c. 243, Form 27.